PVRITANS,

MAINTAYNING THE

VNLAVVFVLNESSE, OR VNEXPEDIENCIE OR BOTH.

Pluralisies and Nonresidency.

Unpreaching Prelases and Ministers.

Sole Ordination, and Election, Excommunication.

The Clergies Pomp, Ambission, Lordlinesse, Riches.

Missimploying the Temporalisies of the Church,

The Clergyes medling with Temporali Offices and affaires.

The Oath on officia.

As also a defence of the authority of Prin- 2
ces and Parliaments to intermeddle with
matters of Religion, and a short dif- 45 page
course whether things consecranot may be alienated.



MAIN

MESP



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To the Reader.

READER,

Ake on the sudden these few almost neglected collections from one who weares a sword not a pen and inkhorne by his side, and who cannot lay claime to any familiarity with the Muses; by this small troope of Testimonies here cited, thou mayest easily judge what an armie might have been levied by a learned pen, especially of the long and sacred robe. Thinke not thy selfe my debter for this pidling pamphlet, for the stuffe is none of mine, neither doe I bestow any trimming upon it.

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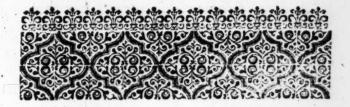
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Ne would thinke it were altogether needleffe to prove principles, such as the law of nature & right reason imprint in ervery mans heart, such are malt of the enfuing truthes, yet it seems the character of some naturall Divine truths is so much defaced that they are scarce legible, and such is the crasse constitution of these tottering times, that Truth it selfe is inforced to be beholding to Custome and Fashion to speake a good word for ber, and to give her their letters Teffimoniall as if hewere not Amiable nor Authoritative enough of her lette but for their lakes must be rescized And fince Christ himselfe faid cgo sum veritas and never faid egolum consuctudo, it is the more strange that Divine verities should pray in aide Humane authorities: yet it being not so strange as true, is the cause of the alleaging these ensuing Authorities which came in as Abetters to the severall Truthes, I could have much encreased the number of them but that I purpojely lay aside a whole Regiment (as it were of famous forraine testimonies of the reformed religion, and no small store of our owne, and.



partly because (such is the crookednesse of this generation) they finde but course entertainment of many amongst us, and therefore I have also passed by even Calvin himselfe, that great Luminary or Starre of the first Magnitude of whom Bishop Bilson saith, & honour Calvin for his wonderfull gifts and paines in the Church of God, and Doctor Feild faith, Cal. vin is worthy of eternall honour, and Bishop Carleton calls him the most judicious interpreter, and Bishop Andrewes sayes of him, Calvinus vir illustris nec unquam sine summi honoris præfatione nominandus, yet Ilay him with the rest aside taking, of the Moderne Divines, only fuch who are natives or in a manner naturalized, and free from all colour of exceptions.

TO



PLVRALITIES

NONRESIDENCY.

Piscopi debent esse residentes. Bishops concil. Aquil.

ought to be resident.

De Episcoporum & Curatorum & Be. concil. Aquil.

nesiciatorum residentia: see also the 1.T.9. fol. 698.

first Councell of Millan, T. 9. p. 464.

col. 1. fol. 5. Councell of Millan. T. 9. p. 660.

col. 2 A.

Quod nullus habeat due beneficiacum cura annexa. Councell of The Councell of Latera tells us, that none should Lat. 7.7.p. have two livings with the charge of soules.

813.6.19.

Episcopi qui secularibus intenti cujus greges chore. Ter. Concel. p. piscopis vel vicarcis embendant videntur mihi meretricibus similes, &c. Bishops who being busied about secular affaires, do intrust their Vicars with their charge, seeme to me to imitate whores, who after they are delivered, doe presently put forth their children to nurce to other whores, that so they may the sooner fulfill their owne lusts.

FPfi

Ipsi qui curam suscipiunt ipsi peragant, Let those I oco que fuera who undertake the charge performe it.

Antiquitates Britanica P. 208.50.

Peckam, Archbishop of Canterbury, did ordaine. Vt clerici plura beneficia non tenerent, Sed uno contents fint, deinde ut in beneficijs residerent, &c. That is, that Clergymen should have but one benefice.

and should be resident upon it.

Fewels Ser. in Agge. 1.;2.p.

Bishop Icwell faith, Oh that Aggeus the Prophet were now alive and faw the rearing up of Gods Temple here in England, what thinke ye he would fay: you build your owne houses and leave the house of God forsaken; nay he would fay, you build your own Mansions and pull downe the house of God, the Masters of the worke build Benefice upon Benefice, and Deanery upon Deanery, as though Rome were yet in England.

Rewells sem. And againe, these Mnonresidents and Plurality of lof. p. 99. men, teach not, they know not, nor care for the people of their charge, they have brought con-

fusion and shame into the, house of God.

Bishop Ridley reckons Pluralities, Vnions and Fox, Martyrs p. 1615.4 64 Totquots, among the abominations and wicked 2-Edit. 1596. bules of the Sea of Rome: and againe hee faith,

Vousons and Pluralities of Benefices, were things then (that is in the Primitive times) as much unknowne as now they are pernitious to the

Church.

Hoopers third Serm, before King.

2.5.b.4.

Bishop Hooper faith, when a man and fuch a one (which chanceth many times) that doth not, or cannot doe halfe a mans office for fuch a place, hath many mens livings he offendeth, but whatfoevergifes he be of he should not have two

mens livings, which the Bishops Lawes admitt

by Pluralities and Totquots.

M. Tindall saith, Now I appeale to the consci-Tindals Treatences of the Kings Grace, and of his Lords, what tice of Pa. Pre-answer will they give when they come before col. 2.

Christ in the last judgement, for their robbing of so many soules, in so many Parishes of Gods word, withholding every man so many Chaplins in their houses with Pluralities of benefices.

M. Leaver faith, Now my Lords both of the Tho. Leaver Laity, and of the Clergy in the name of God I serm.before advertize you to take heede, for when the Lord K. Edw. of all Lords shall see his flock scattered, spilt and loft, if he follow the track of blood it will leade straightway into this Court, and unto your houfes where those great theeves which murther. spoyle, and destroy the flocke of Christ bee received, kept and mantained; for you maintaine your Chaplaines to take Pluralities, and your fervants more Offices then they can or will difcharge, fie for sinne and shame, for if their duty be undone, then can no man excuse them, if it be done, then is it by other and not by them, and then why doe they live of other mens labours? Hee that preacheth the Gosopell, should live by the Gospelas God hath ordained. Qui mollibus vestiuntur in Domibus Regnum, As for those who goe gay in Kings houses, & either musle the labouring oxe, or else spoyle the poore Parish in the Country they be of the divells ordinance. The Beacon in

Beacen faith, Christ by his Apostles comman-christ and deth that every Congregation should have his Antichrist.

B2

Pastor 2. part. p. 41



Pastor or Preacher to feede the Christian flocke with the most wholsome foode of Gods word. fo that every spirituall Minister should attend upon his owne cure, and not be distracted with care of divers Congregations; Antichrist cannot away with this, that one min should have but one Benefice, therefore hee dispenseth with his Chaplaines for many, &c. how can one man bee in divers places? can a man doe that which is denyed to Angels? I meane to bee in divers places at once, or will they committ the charge of them to others, and hire others to fatisfie their office? If Antichrists Chaplaines bee not able to serve so many Cures (as they are not able indeed) that they place others in their flead, let them refigne and give over to their Curates and Ministers those benefits where they ferve, and themselves serve nor, that that they may bee the more able to doe their duty.

Latimers 4. Serm. at Pauls 0. 21.4.

The worthy, Bishop Latimer preferreth the Devill before a Nonresident, for faith he, he is everinhis Parish, hee keepeth Residence at all times, ye shall never find him out of the way.

B. Hooper fer. 3. before the King. T.9. 01.2.E. p. 693.

The renowned Bishop Hooper faith, your Majeflie must begin with your Chappell, and Chapconcil. Aquil. lins, make them to ferve the fame fonles that labour for their livings; if your Grace docit no; you shall put your owne felfe in danger of God: take notice that when they enjoyne Residence they memeror a bare personall, but also a functionall residence. Quod de residentia cautum est hac

non est inbelligendum ut prasentia assideant nibil praterea agant cum in facris canonibns residentia sit accipienda in eum sensum ut sit loboriosa not otiosa. That is when the Canons of Councells provide for Residency, it is not to be understood that they should be present in person alone, and do nothing elfe, but Residence is taken in that sense that it should be a laborious not a loytering Residency. We then see that Super totam materiam, the Ith ry are agreed upon their verdict, & it is this; That Pluralities and Nonresidents were unknowne in the Primitive times, and are pernicious now, that they are resembled to whores who cast off their children to returne the fooner to their lufts, that they have brought shame & confusion into Gods house, that they pull downe the house of God. that they are robbers of foules, murtherers of the flocke, that they have brought Rome into England that it is a marke of Antichrist not to endure that one man should have but one living, that Pluralities & Nonresidents are Antichrists Chaplaines, and that the devill himselfe is preferred before them.

Unpreaching Prelates and Ministers.

Sacerdos a pradicationis est quam clamoris vocem councell of daturus est pr.eco mutus? Nec esse nescius est Episcopis T, e. 249.col. Aquisgrane. pradicare & ab alijs curiscessare.

Councell of Apostole in quorum tocum Episcopi fuccesseteunt fa-Toledo 11.6.2. tis nobis aperuerunt verbidei predicationem effe pre- Caranza fumcipuum illorum munus qui in Episcapali sede collo ma Cancilip. cantur. The Apostles (in whole roome the Bi- concil Medioshops come) have made it Sufficiently manifest lan. 1 T p. 449. unto us, that the preaching of the word of God is 400001. A their

the principall function of those who are placed in Bishops Seas, &c. fee also Concil Trident. feff.5. T.9.p. 357.col. 2.D. Concil Later. [ub. 3nnoc. 3.T.7.

p. 814. col. 1. E.

Predadicationis onus subire nos ios Episcopi de be-Concil. Aquile. mus tisenim hos prastinerimus ultionem apud deum s.T.9.2.694. er homines non effugiemus: We Bishops our selves ought to undergoe the burthen of Preaching, except we doe performe it, we shall not avoide the

punishment of God and men.

Episcopis dispensatio calestis seminisest, va mihi Nichol. pp. 1. Rescripta.T.6. si nonsparserim, vast tacuerim. Bishops are injoyconcil.p.639. ned to dispence the heavenly seed, woe to mee if col. r. A. I be filent.

St. Austin faith, Etenim quidem in populo verbam veritatis recte tractantem omni dominico audiebam. And I hard (Ambrofe (faith he) every Lords day Preaching the word of truth to the people:

fo might others have heard him, for Posidonius a Posid. in vita Bishop, speaking of St. Austin saith, Verbum dei August.c.13. usque ad ipsam suam extremam agritudinem impratermiffe, alacriter , & fortiter fana mente, fanoque

confilio in Ecclesia predicavit. Hee Preached the word of God in the Church (faith Possidonius) even till his extreame ficknesse incessantly, chearefully their strenuously, &c.

In the Law of Charles the Great, it is faid: The Bishop shall themselves preach fruitfull and Lawes, c. 160. good doctrine tending to life everlasting, and instruct others to doe the like.

Hodie multi cum habeant amplissimos Episcopatus Peter Martyr trmen nec orant nec docent neque fe interim quicapon the first Prek + 2. bap. quam peccare putant Admoniti offici sui respondent se 1 Sam. 0.69.b. babere

August. Confest.

Charles the Great, bis See Bilfous Chrift Subjeft. P. 140.

habere substitutos & vicarios qui ista curent italabor alierum est, & proventus ip forum ut que estin Libro. Fob Boves arant & Astini pascuntur; Peter Martyr, the famous Divinity Lecturer in Oxford, here complaines, that now adayes many have large Bishoppricks, and Archbishopricks, and neither pray nor Preach; neither doe they in the meane time thinke they therein finne finne at all, being admonished of their duty, they answer that their Uicars performe those things, so the labour belongs to others, and the profit to them, and as it is written in the book of 106, The Oxen labour, and the Affes are fed, thus bee.

Every Preaching or beneficed Person (faith Fox Afts Fox) ought himselfe to discharge his Cure with-

out Deputy or Vicar.

Peter Latimer, that famous Preacher faith; And Latimer 4. Ser. if there were no more but one unpreaching Pre- to the K. Pag. late, yet it were too many by one: And if they 52.4. bee moe, then they have the more to answer for that they suffer in this Realme an unpreaching Prelacy unreformed, and a little after, and what is it to bee pertaker of other mens evills if this bee not, to make unpreaching Prelates, and so suffer them to continue still in their unpreaching Prelacy? And afterwards, but Pag. 52.6. peradventure you will fay, what if they Preach not at all ! yet Prasunt, are they not worthy of double honour ? Is it not an honorable order that they bee in ? nay an honorable misorder, it is a horror rather then an honour; and yet againe, are Pag. 14 they not worthy of double honour ? nay rather



of double dishonour not to be regarded, not to be oftened amongst the people, and to have no living at their hands, for as good Preachers are wor hy double honour, so unpreaching Prelates be worthy double dishonour; And afterwards, But I say, if one were admitted to view hell thus, and to be bold it throughly, and the devil would fay, on yonder side are punished unpreaching Prelates, I thinke a man should see as farre as a ken ing, and so nothing but unpreaching Prelates: Thus he.

BiLatimers 4. Therefore ye unpreaching Prelates, learne of Serm. at Pauls the Devill, and if ye will not learne of God nor good men to be diligent in your office, for shame learne of the devill.

learne of the dev.

Leaver before K. Edward.

Thomas Leaver, speakes of putting unpreaching Prelates out of their place faith: yet fay they it were great pitty feeing they have paid their first fruits unto the Kings Majestie, and no small reward unto other men: now to put them out of those livings with the losse of all those charges which they have bestowed in rewards and other wayes to get fuch livings, were greater extremity, but woe (faith M. Laver) unto you Hypocrites that stumble at a straw and leape over a blocke, that straine at a Gnat and swallow up a Cammell, &c. Afterwards he threatneth those spirituall and temporall Lords, faying, God will pull you downe rather then maintaine or suffer you in so high authority, to use such uncharitable, ungodly, and cruell pitty.

B. Latimers
Sermon to the
King.p.77.a.

B. Latimer faith, I know no man that hath a
King.p.77.a.

greater labour then a King, what is his labour? to

fludy

fludy Gods booke, to fee that there bee no un-

preaching Prelates in his Realme.

Thus much I dare fay faith Father Latimer, Latimers 4. fince Lording and Loytering came up, Preach. Ser. mat Pauls ing hath come downe, contrary to the Apostles Pag. 19. b, time, for they Preached and Lorded not, and now they Lord and Preach not, for they that bee Lords will ill goe to plough, it is not meet office for them, it is not seeming for their estate, and after. And no marvell, for if the Ploughmen that now bee, were made Lords, they would cleane give over plowing, they would leave off their labours and fall to Lording outright, and let plough stand for ever since the Prelates were made the Lords and Nobles the plough standeth, there is no worke done, the people starve.

John Lambert, a worthy Martyre faith; where Lamberts Anyou speake of Prelates deputies, I thinke that such four to the are little behoovable to Christs flock, it were Fox.p. 1020, necessary & righte, that as the Prelats themselves d. 10. Edist. will have the Revenewes, tythes, and oblations of their benefices, that themselves should labour and teach diligently the word of God therefore, and not to shift the labour from one to another tillall all be left (pitty it is to see) undone, such doth St. John call Fures & Latrones, theeves and robbers.

Bishops and Priests (saith Tindall) that preach rindals obed, not, are none of Christs, nor none of his anoyn of a Christs, p. ting, but servants of the Beast whose markethey 135.col.2.

C Bishop



Fox 2. P.1579 a. 10. Edit. 1596.

Bishop Latimer, preached (faith Master Fox) for the most part every Sunday twice, to no fmall shame of all other loy ering and unpreaching Prelates, which occupy great roomes and doe little good, and that so much more to their shame, because hee being a soare brused man by the fall of a tree, and about 67 yeares of age tooke fo little eafe and care of sparing himselfe to doe the people good, thus faith Master Fox; and though he preached fo dilignetly himfelf, yet hee is content to alleage an excuse for unpreaching Prelates, and I will not grudge it them, this it is: Latyme 4. Ser. But now for the fault of unpreaching Prelates

at Paulpageb. (faith he) me thinkes I could gue ffe what could Bee said in excuse of them, they are so troubled with their Lordly livings, they bee so placed in Palaces, couched in Courts, rusting in their rents, dancing in their dominions, burthened with Ambassages, pampering their panches like a monke that maketh his Jubile, munching in their mangers, moyling in their gay mannors and manfions, and fo troubled in loytering in their Lordships; that they cannot preach. Here we fee what a conspiracy heere is against unpreaching Prelates, Ministers, how if but one, yet hee too much by one, how they starve the people, they are none of Christs, but servants of the Beast are called theeves and robbers, how they are fet to schoole to the Devil, how if one could have a view of hell, hee should see it flored with a troope of unpreaching Prelates, and how it is the Princes duty

duty to see their be none such, and how they who suffer unpreaching Prelates in this Realme have the more to answer for, how the not Preaching of Prelates, and so starving of the people, is ascribed to the Prelates being made Lords and Nobles, you may here observe what Bible divinity was preached to Princes then, and what machivilian policy is preached now, they then in Court Sermons rebuked Princes, now they provoke the Prince against the people, I will add one excuse of Ministers not preaching, which I hard my selfe at Pauls in a Sermon, it is this, that they have enough to doe to take order with those who preach too much.

Here wee see diligent Preaching is enjoyned, Objection: but perhaps is intended by this no more then bare reading, for reading is a kind of preaching; Its confessed that in the large sence every reading or publication of the word of God may be Answer.

called a preaching; so one may by writing, Pradicare famam alterius, but if wee come to the common and usuall acceptation especially in matters divine, it is cleare otherwise; and the use of the word (Reading) is extended to Preaching or to exposition ordinarily, as when wee say such a man is the Reader or Lecturer in Lincolnes
fin or in the Temple, or such an one readeth the Lecture in Pauls, so in the Vniversity, the Readers of the Divinity Lectures, &c. Where the Readers doe not barely reade the Text, but reade upon it, viz. Explaine and expound it.



The Common Law describeth Preaching, viz. Pradicator habet gradum distinctum quoad locum, sumit thema, invocat spiritum, &c. In the Counsell of Trent, it is called Expositio and Interpetatio Scriptura. Concil. Trident. Sess. 5. T. 9. decret. 2. pag. 357. col. 1. c. Col. 2. D. as also Concil. Mediolan. 4. pag. 544. col. 2. E. Dounhams duty and dignity of Bishops. pag. 47. 18.

It is cleare that the office of a Reader in the Church was anciently not the ministerial function, but farre below it, for there was first Oftearius, then Exorcista, then Acolythus, Subdiaonus, Diaconus, then Prashiter, then Episcopus, as appeares by the fourth Councell of Carthage. T.p. 728. Feild of the Church. pag. 483. saith, Readers were under the degree of Deacons.

In the 3. Councell of Carthage it is said, Placuit ut Lectores cum ad annos pubertatis venerint
3. Counc. of (therefore they might be impuberes) cogantur aut
T. Carth. 1. p. uxores ducere aut continentiam profiteri non licet
cuilihet ex lectoribus sacra altaris vasa portare nishis

French and Dutch Churches in London, and in

Concil. Bracar. qui ab Episcopo subdiaconi fuerunt ordinati, so that 3.7.4.p. 422 Readers might not do so much as a Deaco might, much lesse performe the office of a Minister, but was an inferiour office to ease the Minister; & this function of the Readers easing the Ministers is still seene in Cathedrall Churches, together with most of the other orders, and in the

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part in diverse Parochicall Churches, the Clark supplieth this place, so that this legible faculty was never accounted a sufficient ministeriall endowment, and to hold the contrary is to turne Saint Pauls who is sufficient for these things into who is not sufficient.

The Canons of diverse Counsellors doe plainely distinguish between reading and Preaching, and require that learning in a Minister

which needed not for a bare Reader.

The Councell of Toledo faith, Solus ad facra dei mysteria tractanda accedat quem morum innocentia er literarium splendor, reddunt illustem. Let fuch an one alone, undertake to handle the divine misteries of God, who is renowned both for integrity of life and excellency of learning, there is alfogreat order taken for the diligent examination touching learning, even in many Popish Councells, although they held ignorance to bee the mother of Devotion, and it appeares that Reading of the Scriptures or Homilies was not accounted a sufficient faculty or discharge of the duty Ministeriall a Councell tells us, Si Prabifter a- Concil.vascenliqua infirmitate prohibente per seipsum prasbiter fe. T. 3.832. non potest fanctorum patrum homilia a Diaconisrecitentur. If the Minister (beeing hindred by fome infirmity) cannot preach himselfe let the Deacons reade the Homilies of the holy Fathers: and the Minister must bee able to render an account of his faith in Latine or elfe In. figutio mulla ef : and Non promovement ad fa Ep. 1043.



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3. Counc. of

711.6, 19.

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13. Eliz. c.2. C

cros ordines non scientes loqui latinaliter: And to conclude, Parliaments judge reading Ministers not sufficient for the instruction of the people, for one is not to bee admitted who is not able to render an account of his faith in Latine, except he have an especiall gift in preaching.

Of sole Ordination, Election, Excommunication.

Episcopus sine concilio clericorum clericos non.

concil. Carib. ordinet ita ut ciuium coniniventiam & Testimoni
4.T. 1 p. 7,28.

um quarat.

Nullus invitis detur Episcopus, scut antiqui Cacons. Aurel 3. nones decreverunt, cleri, plebis & ordinis consensus
T. 4. c. 11 p
& desiderium requiratur. Rubrica de ordine Episcopali ex calesti, pp. d. slinet. 63. c. Sacrorum. Let
no Bishop bee given to any against their will,
as the Ancient Canons have decreed, &c.

De Romani Pontificis Electione in hunc modum Nichol.papa. Statuit, ut prairent Cardinales Episcopi, deinde distinct.23.c. reliquem Clerum sibi adjungerent, postremo plebis consensu electio sirma esset.

Athanassus totius populi suffragijs non autem Nazianz. secundum perversum exemplum quod postea ino-Orat. 21. in Laudem Atha-levit, neque per vim & cadem sed apostolice & nas. 1142. spiriSpiritualiter ad marci thronum evehitur. Athanasius is promoted to the throne of Marke by the voyces of the people, but not according to the ill example which afterward grew in force, nor yet by force and by murther, but in an Aposto-

licall and spirituall manner.

When there was a question about the Election of Athanasius the great, to the Bishoprick of Alexandria, the matter beeing brought in debate beforethe Emperour whether hee was lawfully chosen (which his enemies denied) the Synode of Alexandria makes their Apologie for his defence in these words. Aiunt igi-Synod. Alex. tur post obitum Episcopi Alexandri cum pau- 7.1.p.497. col. cissimi essent qui Athanasi mentionem fa-. cerent, sex vel septem Episcopos clanculum & in loco ob scuro eum in Prasulem elegiste, &c Nos autem contra cum tota civitate, & universa provincia testamur multitudinem populumque Catholica Ecclesia in unum coactum quasi in speciem unius corporis & anima, clamoribus vociferationibusque postulasse Athanasium Ecclesia Episcopum dari. They say that after the death of the Bishop of Alexandria, when there were very few which made any mention of Athanasus, sixe or seven Bishops secretly and in an obsure place did chuse him

to bee Bishop, but we contrary wise with the whole Citie, and with all the province doe testifie that the whole multitude and people of the Catholik Church being gathered together in one as it were in the forme of one body and soule with exclamations and outcries, required Athanasius to bee given them for their Bishop.

Asgust Epist. Episcopus olim ex suffragio populi designabatur. The Bishop was antiently chosen

by the people.

Possidon.in
vita August. cleric
cap. \$1.

Augustinus in ordinandis sacerdotibus & clericis consensum majorem Christianorum & consuetudinem Ecclesia sequendam arbitrabatur. Possidonius saith, That Austine opinion was, that the peoples consent, and the custome of the Church should bee followed in the ordaining of Priests and Clerks.

Cyprian.l s.Ep. 68. juxta Pamel.

Plebs ipsa maxime habet potestate vel eligendi dignos sacordotes, vel indignos recusandi. Cyprian saith, the people especially have power to chuse worthy Priests and to refuse the unworthy; and a litle after, sit ordinatio justa & legitima qua omnium suffragio & judicio sueris examinata. Let that ordination bee reputed lawfull and just which hath beene tryed by the judgement and votes of all.

Ado



Adeo autem caverunt sancti patres, ne ullo pacto
inminuatur hac populi libertas, ut cum Synodus universalis Constantinopoli congregata Nectarium or- Epist 89.6.4.
dinaret, id facere noluerit sine totius cleri & populi 5.

approbatione &c.

The holy Fathers (faith he) were fo wary, left this liberty of the people (hould by any meanes be leffened, that when the General! Council! being met together at Conftant incole should ordaine Nestarius, they would not doe it, without the universall consent of the Clergie, and of the people, &c.

Graviter commotus est Leo Lonus adversus Leo, quo sepra. Hilarium, qui projecto Episcopo suo agrotante in ejus locum sese intruserat, nec Apostolica authoritatis normam servabat, qua pracipitur ut sacerdos
Ecclesia prasuturus, non solum attestatione sidelium
sed etiam eorum qui soris sunt testimonio muniatur, ueg; ullius scandali relinguatur eccasio.

True churches, faith Bullinger, have power to Bullinger Devordaine Pastors, whether it bee be done by the cad, 5 sermon voyces of the whole Church, or by the lawfull 4 Page, 98 a judgement of such as are chosen by the Church, 873,6; and againe. We say that the Apostles did not execute tyranny in the Church, and that they themselves alone did not execute all things about election and ordination, other men in the Church being excluded for the Apostles of Christ ordained Bishops or Elders in the Church, but not without communicating their counsell with the Church, yea and not without having the consent

and

and approbation of the people.

Lambert saith, Excommunication ought to be Limbert, see done (as me thinketh) by the Congregation as-

1017.450.60. fembled together with their Pattors.

As also he saith, those whom wee call Priests, were chosen not onely of the Bishops, but also with the consent of the people, amongst whom they should have their living (as saith St. Cyprian) but also for pitty, saith hee, such elections are now banished, & new fashions brought in, which if we should conferre with the forme of Elections shewed of Christ by his Apostle Paul, inhould find no small diversitie, but all turned upside-downe.

Peter Martyr Peter Martyr tells us, that Non usurpat sibi comment in I tantus Apostolus, ut unus ac solus per seinsum exlib Same c 112 communicet, quod tamen Papa & multi Episcopi page 6, b.

audent; So great an Apostle (saich he) doth not usurpe so much to himselfe, that one alone should excommunicate, which yet the Pope, and many Bishops dare do, and a little after, Periculosiss imum esset tantum negotium excommunicationis unius consilio & voluntati permittere: It would bee a most dangerous thing to leave so great a businesse to the will and counsell of one man, and therefore he saith surrous excondulitur non absque

D'Mattyr loci confensu Ecclesia quenquam excommunicari posse. Communes class, c. 5. page It is agreed on, that none can bee excommunicated

783.5.9, 10. without the confent of the Church.

No man, faith Tindall, may bee a common of a Christ. p. Preacher, but he that is called and chosen thereto by

by the common ordinance of the Congregation. In the Primitive Church (faith M. Lambert) Priests were chosen not onely of the Bishops, but p. 1009, b. 2.4. also with the consent of the people; amongst whom they should have their living. Mr. Fox alfo faith. After which time of the Ajoiles when the Fox p 4,2,77. church began more to multiply the elections of Bi-Shops and Ministers, stood by the Clercy, and the people with the confent of the chiefe' Magistrate of the place, and so continued during all the time of the Primitive church, &c. Let Bishops be chosen (faith Charles the Great inhis Lawes) by the confent of the Clergy and people out of the same great, his lawes Diocesse according to the Canons. Bishop Bisson Bissons chist: tells us, That the election of Bifhops belonged subject, page to the people, not to the Prince in the dayes of 399. Athanasius. See more of this subject in Bishop Juellagainst Harding, Ad. 4. divif. 25. p. 210. Beadles against Wadsworth, p. 140. Rivets Jefuita vapulans, p.83. Field of the Church, p. 158. Councell of Trent in Italia 4, p. 573. In these authorityes cited hither to, you take notice (no doubt) that The word Ministers are often called Priests, yet I find the (Priest) unword (Prieft) held unproper for the Ministers proper. of the Gospell, by these who follow. Bullinger Bulling: Dec. 9 faith, you shall not find in the new Testament Ser. 3, page 87. the Ministers of the word of God and of churches to be called Priests. The new Testament (faith Fulk) never calleth the Ministers thereof Fulks defence Sacerdotes, that is to fay Priefts, and a little after. of the Transl, The unproper speech of the Antient writers (in c, 6, calling



calling a Minister Priest) is no warrant for us. Doctor R, sinolds difliketh the calling a Minister Prief, as you may fee in his Conference,c.8. divis. 4. page 541. as also Dostor Field in his booke of the Church, Bishop Latimer saith, a Minister is a more fit name for that Office; for the word (Priest) importeth a Sacrifice, and Hooker tells. us, The word (Priest) is not now so proper or fit to be used, and is not once used in the new Testament.

Fox 1 page 1324,3.34.

Pol.p.419.

The reason why this word (Priest) and others Hookers Ecd, alfo are fo stroven for now to be restored againe. may perhaps be found out in the Notes of the Remilb Testament, upon the 1. Tim. 6.v. 20. There fay they. Let us keepe our forefathers words, and me Shall easily keepe our old Faith, let them say Amendment, let us fay Penance, let them fay the Lords Sugper, let us fay Masse, let them say the Communion-Table, let we fay the Altar, let them fay Elders, Ministers, let us say Priests, let them say Superintendent let us say Bisbop.

The Lordline Se, Ambition, Pompe,

Dic quaso, faith Chrysostome, sericis vestitur Chrysost. on the Pastor multitudine sequentium & concomitantium circa forum arroganter incedit? Equo vehitur, & c. Tell me I pray thee (saith he) is the Pastor clad in silke, with a great traine following and accompanying him? Goeth he proudly about the Market place, is he on horseback, doth he build houses, having already one to dwell in? If hee doe these things, I my selse will reprove him, neither will I spare him, yea I will say such a one is unworthy of the Priesthood.

You may read in the History of Eusebius, how Eusebius HiPaulus Samositanus was condemned by a Synode
of Bithops at Antioch, amongst other things,
Quia in superbiam elatus numerosam catervam satellitum par im pracedentium partim subsequentium circum se habuerit. Because hee being list up
with pride had a great retinue who went before him
and who followed him. St. Austin saith, Episcopatus August de cinomen est operis non honoris. Episcopacy is a name
of labour not of honour. Specula est sonans
tibi Episcopi nomine non dominium sed officitibi Episcopi nomine non dominium sed officidominatus; ergo tu usurpare audes aut dominus,

D 3

Apo-



Apostolatum aut Apostolus dominatum, si utrumque Mem, 1.20.4. fimul hatere voles perdes utrumque, and again, Non montrabant abi quif juam Apotolocum juaex federit hominum, & sterife denique Apostolos judicandos, sedife judicantes, non lego: Dominion (faith St. Bernard) is forbidden to the Apoliles, & therefore dareft thou being a Lord or Ruler usurp the Apostlethip, or being an Apostle usurpe the power of a Ruler, if thou wilt have both, thou shalt lose both, it cannot appeare that any of the Apostles sate ever as a Judge, I read that the Apolles stood to be judged, but I read not that they fate to judge, thus farre St. Bernard, St. Origen tells us, Que vocatur ad Episcopatum, non ad Princifatum vocatur, sed ad servitutem totius Ecclesia.

Oringen M Efajam Hom. 6 in Princ p. 563.

He that is called to a Bishoprick (faith he) is not called to a Principality but to the service of the whole Church. St Ierome faith, Episcopi facer-Hierad Sepot. dates se esse noverint non dominos. Let Bishops know, that they are Priests, not Lords, and againe, Si quis Episcopatum desiderat bonum ofus deside. rat, opus non dignitatem, Laborem non delicis, opus per quod humilitate decrescat, non intumescat fastigio. If any desire a Bishopricke, hee desireth a good worke, a worke not a dignity, a labour not a delight, a worke to keepe him do vne by humility, not to make him swell with arrogancie. Bi-

Howfon: 2 thop Honfon also will tell us, That the Apostles Serm page 69 had no other Law to governe by but the Law of Christ, which is not coercive, nor imposeth cor-

pora!

porall or temporall punishment, either particular or generall upon any crime, but useth onely commination of Hell fire, and eternall torments. And againe, the Apostles having no Territories, could have no jurisdiction at all, either in civilibus or in criminalibus; Neither over the lives, nor over the goods, nor over the bodyes of any Christian, and if they had usurped any such Jurisdiction, they should have suffered as Malefactors and Traytors: They were also exempt from all Worldly and Temporall Honour as Idem, 70.11 their Master was, except that which vertue procures in the hearts of the people, but that is morall Honour, not civill.

The Apostles subjugated the whole world unto them by the meanes of sollicitude and sanctitie of life, all which, St. PETER delivers to the Church, and his successors as hee received them page 61. from his Master Christ Jesus. And againe, Christ denyed to his Apostles all such things as appertained to the perfection of secular Regiment.

Namely, Riches.

Secondly, Power coercive.

Thirdly, Honour and domination, that his Kingdome might not be supposed to bee erected by ordinary meanes, thus farre Bishop Homson.

Neither



Tindals praCince of Preliptian that there should be any good Bishops, so long as the Bishopricks bee nothing save Worldly
Points and Honour, superfluous abundance of all manner of Riches, and Libertie, to doe what a man listeth unpunished, things which onely the evill defire, and all good men abundance.

Bein Seimon. Bernard speaking of evill Pastors, saith, Vnde 77, on the hanc illis exuberare existimus rerum affluentiam, ce mals Ps-vestium spleadorem, mensarum luxuriem, stran punc, congeriem vasorum argenteorum & aureorum, nist de lonissponse? Inde est quod illa pauper & inops & nuda relinquitur,

From whence doth this abundance of Riches flow unto them, this sumptuous Apparrell, Luxuriousnesse of their Tables, their Cupbords of gold and silver plate, but from the goods of the spouse of CHRIST? From hence it commeth, that she her selfe is lest needy and naked, with a miserable pale, and neglected countenance, this is not to adorne the spouse, but to strip hersthis is not to preserve her, but to betray her; not to defend her, but to expose her; not to instruct her, but to prostitute her; not to feed her but to kill and devoure her; so farre St. Bernard.

When Constantine the Great endowed the Church a voice was reported to be heard from Heaven, faying; Nunc infusum est venenum Ecclesia. Now poy son is insused into the Churche this faying is mentioned by Bishop Jewell. Serm. p. 79. Vafquius Contra illustres.p. 233. n. 8. Platina in vita Silveft. 1. p.43. Rivet. Jes. vapulans. Friths answer to the Preface of Mr. Moores booke. p. 116. we know that the complaint of the Church was Pietas peperit divities, fed filia devoravit matrem. Piety begot Riches, but the daughter hath devoured the Mother. Dr. Field is a witnesse to this in his booke of the Church. P. 744. Riveti Ies. vap. p. 177. another faith, Non firuitur auro Ecclefia fed deftruiinr, The Church is not built up by riches, but chryf. . Time is destroyed by them. Ego Ecclesia prasules c.s, Homas. (faith Chrysoft) audenter dixerim nil prater vi- p.509 dum, Grestitum habere oportere, I say boldly (faith he) that the Prælates of the Church ought to have nothing but food and raiment. Haben- Cone. dat. T. tes villum & tegumentum his contenti simus, pag 14.c.25. Having food and rayment let us be contented p.728.e.15, with it faith the Councill of Antioch; fo also Peri T.6. pa. the 4. Councill of Carthage and the Councill of 329. c.s. B. Paris. The 4. Councill of Carshage faith. &- cons. cons. piscopus'non longé ab Ecclefia bospitiolum babeat, T.1.p728.ca. vilem supellettilem & mensam & vittum pauperem 14.15. habeat, & dignitatis fue authoritatem fide & vita meritis quarat. Let Bishop have his poore Mansion neere to the Church, and let this houshold



chold-stuffe be homely, and his Table and dyet poore, and let him seeke to gaine respect and authority by faith and worthinesse of life. St. HieHier. 2 Ep. rome saith. Si Clericus quispiam aliud habuerit prater Dominum, pars ejus non erit Dominus, perbi

rome laith. Si Clericus quispiam aliud habuerit prater Dominum, pars ejus non erit Dominus, verbi gratia. Si aurum, si argentum, si possessiones, si variam supelledilem, cum istis partibus Dominus pars ejus non dignabitur, habens vidum si vestitum his contentus ero, si nudam crucem nudus sequar. That is. If a Clergie man possesse anything esse but the Lord, the Lord will not be his portion, as for example, if he have Gold, silver, possessions, variety of houshold stusse, if I have food and clothing, I will be therewith content, and being bare I will follow, the bare crosse of Christ.

eossidon de vi- Possidonius speaking of St. Austine saith; Cota Aug. c. 31. clearibus tantum argenteis utebatur, catera vasa
quibus mensa inferebantur cibi vel testea, vel lignea, vel marmorea erant, using onely sitver spoones,
the rest of the vessels, in which meate was brought
in to his Table, were either, Woodden, Earthen, or
Marble: Testamentum nullum secit, quia unda
faceret pauper Christinon babuit, he saith, That
St. Austine made no will, because he was poore and

Colvin vita

had not wherewithall. One saith of Calvin, Testari potest certe Senatus quam perexiqua essent ejus sipendia. The Senate can beare witnesse what small stipende Calvin had, and yet be was so farre from being discontented with it, that a more ample allow.

allowance being freely offered him, he obstinately re-

fused it.

Cujus tona omnia, all his goods this library alfo being dearely fold, came scarcely to three hundred French Crownes. Let us nowheare what Bafil the Great faith. Non licere ei, qui pradican- Bafil, Mag. Mo. di Evangeli munus habet, plus aliquid possidererali.76 p. 265. quam que ad necessarium ipsius usum pertinent. It is not lawfull for him, to whom the preaching of the word of God is committed, to possesse more then what is of necessary vse for his livelihood, and Zozimen faith concerning St. Bafil. Siqui- zerimen 1. 6. dem horum nihil me excruciare : poterit equidem 6. 16. opes non habeo praterquans vestem laceram & paucos libros. Certainly, faith Bafil, none of these things can vexe me, for truely I have no riches more then a torne garment and a few bookes. Here the testimony of the Councill of Aquileia. synodus Aqui. Quam minime luxuriorint supervacuis opibus pri-leiensis. Itini Sacerdotes una illa vox Synodi Aquileienfis, cui praerat Ambrosius satis declarat. Gloriosa in Sacerdotibus Domini paupertas. How little the ancient Priests did abound in supersuity of riches the voyce of the Councill of Aquileia (where St. Ambrofo did preside) doth sufficiently witnesse to it. Poverty in the Ministers of God is a glorious thing. Dignum of (faith Ber- Bernard Ep. 2. nard) qui altario defervit de altario vivat, nem inca ficonceditur ergo, tibi ut si bene deservis de blta-nem. gio vivas , non autem ut de aleario luxurieris. CLINICA NIA E 2: THIRDS &



deniq; quicquid prater necessarium victum & simplicem vestitum de altario retines, tuum non est, rapina est, Sacrilegium est. He that serveth at the Altar is worthy to live by the Altar, it is therefore granted unto thee, that if thou serve well thou shouldst live of the Altar, but not that thou shouldst live luxuriously of the Altar: and a little after. To conclude, what soever thou hast from the Altar besides necessary sood and simple rayment, it is not thine, it is thest, and Sacriledge, saith Bernard.

wicliff. See Wiclif saith, To enrich the Clergie is against

Fox P. 414 the rule of Christ, and that Silvester the Pope

Artic. 31, 32 and Constantine the Emperour were deceived in

Fran: Duare giving and taking possessions into the Churchuus 1. de sa. Franciscus Duarenus saith. Puto majores nostros

cram Eccles. , satis animadvertisse nihil Ecclesia exitialius pe
stilentiusg; esse quam ministrorum ejus nimiam of

filentiusq; esse quam ministrorum ejus nimiam of pulentiam, &c. Ithink our Ancestors did well observe that nothing is more pernitious and pestilent to the Church then the overmuch riches of the Ministers thereof, which the event (which is not onely the Master of fooles but also of wise and perspicatious men) hath sufficiently taught, saith he.

Nullum erimen abest facinusq; libidinis ex que l' Paupertus Romana perit.

Rever les, va. Let us heare what Rivetus saith out of Duspul. 177. renus. Res ipsa loquitur immensam Principumquo-

quorundam munificientiam (utsung; pius effot eorum affestus) tantum virus in Ecclesiam sparsife ut ex Pixide illa Pandore a poètis decantata non plus malorum inter homines & calamitatum exiliife videatur. Bithop Hooper faith, The Bi- Hooper De shops should be reasonably well provided for, clar. on the 8, and the rest and overplus taken from them and Command.

put to some other godly use.

When we have appointed the Priest a sufficient living whether in Tythes, Rents or in yearely wages, he ought to be content and to require Prot. on the s. no more, nor yet to receive any more. As also boke of Mohe faith. The Overseer, because he was taken Tindals obed: from his owne bufinesse and labour to preach of a Christ. p. Gods word unto the Parish, hath right by the 133. b. authority of his office to chalenge an honest living of the Parish, as thou maist fee in the Evangelists and also in Paul, how they would pay him, whether in money or affigne him fo much rent, or in Tythes as the guife is now in many Countries was at their liberty. Bullingers words Bullingers are. Let so much of the Church goods as is Gre: Serm:10 fufficient be given to the Ministers and Tear P. 1123 2. chers fo farre forth as honest necessity requireth. Saint Jerome faith. Negotiarorem clericum Hier ad Nepot. & ex inope divitem & ex ignobili gloriosum quasi guandam peftem fuge. Fly from a Clergie-man who is a negotiator, and who of a poore man is become rich, and of an obscure man is become a man of oftentation, as you would fly from the K Tames his Plague. King James fairbas forme Bishops will Basil deren pe



P: 205.

deferve to be preferred before others, fo chaine them with fuch bonds as may preferve that stre from creeping to corruption. Tell mee. faith Dr. Barnes (an English Martyr) vee that be without thame, if you doe fell but your labours is it not a fore and unlawfull price to fell it fo deere? What Bishop can deserve by his labour a thousand pounds by the yeare, and yet fome of them have a great deale more, and yet labour nothing at all, how deere would these men fell their labours! If they should be Tankerdbearers, they would make water dearer then wine. Yet tell mee what labour there is within the Realme that is halfe fo deere fold as their idlenesse is? Oh you belly-Gods, did not Christs Apostles take paines and labour about the mini-Aration of the word, and in fulfilling of their office more in one day then you doe in all your lives and yet it was not lawfull for them more to receive then a living? For our Mafter Christ faid, the workeman is worthy of his meate, fo that our Master would that they should receive no more but that was necessary (and a little after) here have you plainly, that if you did labour faithfully and truely in the Gospell you could have but a living thereon, and no Lordly possessi-Billons Chrift. ons! Bilhop Billon faith politively, that the first

subicat pisor poylon of Religion was the wealth and pride of Bishops. I will conclude with the Bishop of Spalat. Episs. Spalato. Dicam ingenue quod fentio, Laicos pios e-

elert fig. c. 3 plime & laudabiliter facturos, prafertim Principes, MS: 16, P. 23

(31)

fi bonorum Ecclefiafticorum curam susciperent, ut Supra Suadebat Chrysoftomus & cupiebat Augustis nus, eamq; totam clericis eriperent, ac ende Ecclesis, claro necessario, & pauperibus ipsi sed sideliter consulerent, pauperes si quidem ab Eccestis jam funt repulfi, melius initur fub laicorum piorum bene institutis & redis confraternitatibus corundem gubernarentur, & a little after Quod fi careremus divitiis, redirent antique largitiones, quia etiam nos Ecclesiastici es omus meliores & virtutibus confpiuis Christiandrum liberalitatem ergasos excitoremust Spalato faith. I will tell you tagenuoufly that I am of opinion that godly Laymen (especially Princes) should doe very well and laudably, if they would undertake the care of the goods of the Church (as Chrisoftome did advise, and as St. Austine did desire, and would wholly take laway that care from the Clergie, and then that they would faithfully provide for the Churches the Clergio, fand the poore 310 for truely the poore are now banished from the Churches, therefore they would be better ordered mider well governed Societies of vs Ley-men. A little after , if wee were not rich, the ancient contributions would returne; because we Clergie-men (hould be better & more eminently vertuous, and should share up the liberality of Christians towards us. Wee here see apparently how antiquity did not onety finde fault,



(32)

but exclaime against the ambition, Lordlinesse, pompeandriches of the Clergie, how they (in their opinions) ought to have nothing but neceflaries for back and belly how nothing is more dangerous or pestilent then the Clergies riches, how they are the very poylon, and how in this kindshe liberality of Princes hath poyfoned the Church, how to enrich the Clergie is against the rule of Christ, how wee should fly from a rich Clergie-manas wee would fly from the Plague or Peftilence, and laftly how it is the advice of some learned Bishops that pious Layer men (especially Princes) should doe wisely and worthily to take the Church goods away from the Clergie, and to provide a competency for them and for the poore I could wish the maintenance might at the least be competent and rather affluent then indigent, or will you take the advice of a grave Divine, who in a Sermon in print fayes. They (speaking of the Laity) alwaies talke of the poverty of the Apostles, but little remember the liberality of the Primitives Christians who layed all downe at the Aposties; feet, let them lay all downe ar out feet and then have at them whenfoever they please, these are ! his wordes, but by his leave, though they were laidat the Apostles feet, yet they were to supply the wants of all Christians, as well of the Lairy as Glergie, which charity, was afterwards gredely abused as you feath now understand.

It may be that the original of the Temporalities of the Church, and of the livings of the Bishops and Cathedrall Churches, was this, That men won to the Christian faith in the infancie of the Church (used upon the motion and perswasion of the Apostles) to sell their possessions and to lay downe their price at their feete, that they might thereby dispend both for the common use of minister and people, and afterwards it was by the fuccessors of the apostles thought more behoovefull, and expedient that infleed of felling their posessions and turning them into money, they should affure the lands themselves to the use of indigent Christians, and afterwards, the lands were fetled upon the mother or Cathedrall Churches for this common and christianuse as a more stable, annuall and perpetuall revenue then money it selfe could be, which accordingly was done, the Bishop being entrusted with the faithfull dispensation and distribution thereof, as appeares in part by Pope Urbanthe I. Concil.p.105. his decretall Epistle about the yeare 226, and c,1,D, caran xa therefore the forenamed Pope upon the milim-fumma Concil, ployment of these revenues or sacred stocke (as page 9, & 10, it (hould seeme) doth againe and againe urge the story of Ananius and Sapphira, as a fearefull caution against the diversion of these Revenues to other uses, concluding thus : Hac igitur fratres que Ananias & Sapphira passi sunt valde cavenda



sunt et timenda, quia res Ecclesia non quasi propria sed ut comunes odomino oblata cum summo timore non in alios quam in præfatos usus sunt fideliter dispensanda ne sacrilegii reatum incurrant qui eas inde abstrahunt ubi traditæ sunt, ne pænam et mortem Anania et Sappira incurrant et quod peius est Anathema, maranatha fiant &c. Let them (faith he) take heed and becware of the fufferings of Ananias & Sapphira: for the Church goods are not to be disposed of as ones own proper goods, but as goods given to the Lord for commonufe; and are not to bee dispensed to any other nies, lest they bee guilty of facriledge who withdraw them from those uses for which they were delivered up, and lest they incurre the punishment and death of Ananias & Sapphira, and, which is worse, become Anathema Maranatha &c. yet it seemes this faire and full warning tooke no great effect: for Bishops could not be thereby drawne to the faithfull dispensation of Church goods, and therefore to prevent this mischiefe it was decreed by feverall Canons of Councills that these Church goods should bee divided into 4. parts (some few Canons makeing mention of 3. parts onely) one part should bee for the inferiour Clergie, a second for the poore, the 3 for the reparation of Churches, the 4. for the Bishop to maintaine hospitality. Cum quorundam cupiditate & pravis studiis nascerentur mala exempla Ecclesia reditus in propries usus transferre copperunt, ut videre licet. Quocirca ad bec A State

(35)

hac vitia corrigenda compositi funt Canones, qui Ecclesia reditus in quatuor partes diviferunt quarum unam affignarunt clericis alteram pauperibus; tertiam Ecclesis reparandis quartam Episcopo & familiæ ejus propter hospitalitatem ut reperitur in Iure canonico caufa 12. Quest. 2. capite Mos est. And therefore Simplicim Bishop of Rome, about the yeare 471 in his third Epiftle, to two Bishops. Florentius and Severus preffeth it; Sub periculo ordinis, that they be content with one only fourth part for themselves; Here follow those few Canons of Councils, which I am able to muster us (we doubt among & many others) which provide for the division of Church goods into aparts.

[Concil. Rom. tempore Silvefiri. T. Bining. T1.P.318 CAN. 4 Concil. Aurelian. 1.T . 3.p. 722.can. 7. Concil. Bracar. 1. T. 4. P. 422. can. 25.

Caranza. p.180.

Concil. Toletan. 16.T. 5. col. 1. E.p. 436. Counfels, Concil. Mogunt T. 6.P. 435. can. 10.

Concil, Wormat. T. 6.P. 694.6.7.

Concil. Nametense T.7.p. 160.c.10.

Tom. 3. Concil.p. 582. col. 2. b. Epift. 3 Simpl. Papa.

(T.5. Goncil.p. 453. Epift. 3. Greg. 2. Pp. Foxp. 5 . 3.74:

Those goods, faith M. Fox, which were so given to the Church by those Ancestors, they were neither fo given nor taken to ferve the private use taking nopains of certaine Church-men, but rather to serve the publick subventions of the needy, as is contained in the canonicall in ditutions by the Emperer Lodovicus Pius, let forth in the yeare 830. the words

be thefe. Res Ecclesia voto funt fidelium, pretid peccatorum & patrimonium pauperum, The goods of the Church are the vowes and bequests of the taithfull, prices to ransome such as be in captivity or prison, and patrimonies to succour them with hospitalitie that are needy. Viros sandos (faith Profper) Ecclesia res non vendicasse ut pro-Prius, sed ut commendatus paureribus divisise con-That is, Holy men tooke not the goods of the Church as their owne, but distributed them, as given and bequeathed to the poore. St. Austin faith, Si autem privatim que nobis sufficiant possidemus, non funt illa nostra sed pauperum, quorum procura-August, ad Bo- tionem quodammodo gerimus, non proprietatem nobis usurpatione damnabili. If we enjoy in private that which is sufficient for us, the rest which are in our custody are not ours, but belong to the poore. Ambrose tells us, Possellio Ecclesia sumptus est egenorum. Bishop Carleton also acknowledgeth that the Temporalities were not given for the Bishops alone, but for the inferiour Clergie, the poore Christians and strangers, and for repayres of Churches: Melancion mentions these Canons alfo. In veteribus Canonibus constitutum est Melan Aon ad (faith he) ut opes Ecclesia in quatuor partes collocata fint, tamen videmus multis jam seculis longe alium esse usum opum Ecclesiasticarum, & spes non est tale seculum aureum unquam fore ut illa justa distributio canonibus sancita restituatur. You see he complaines of the robbery, but despaires of restitution. See more concerning the use of Ecclesiasticall goods, Spalatens, de

Daniel,

Repub. Christ. 1. 9. c. 4. and concerning the abuse of them, c. 5. See also the History of the Councill of Trent, in Italian, 9. 563. So wee fee continual claime, as it were, hath bin made in the behalfe of the Parish for their Church, and of the poore for their part, and of the Minister and people for their 4th part allotted to maintain for them guides to heaven. It were good to know what is become of these goods, and whether Bishops and Cathedrall Churches have them not in their possession, and not onely the Temporalities of the Church, but also their medling with the state Temporalities too (which you shall now fee) was alwayes utterly difliked.

The Clergies medling with Secular Offices and affaires.

To begin with the Canons (called the canos of & Canon Apost. Apostles) Episcopus aut Presbyter, aut diaconus ne al page 6. quaquam seculares curas adsumat fin aliter; ejiciatur. Let not & Bp, Priest or Deacon at all take up. on him any fecular affairs, but if he do, let him be put out. Nullus clericus vel diaconus, vel Presbyter & Confint. propter causam suam quamlilet intret in curiam, & si quis clericus in curiam intret Anathema Suscipiat nunguam rediens ad matrem Ecclesiam. Let no Clarke, Deacon or Priest upon any occafion come to the Court, but if any dorb, let him be Anathema, and never let him returne again to the bosome of the Church. Ne Episcopi aut clerici rebus se politicis implicent aut pradia aliena conducant, faith the councill of Chalced : That is, synod. Chol-Let not the Bishops nor other Clergy encomber them - ced. Caranza Summa Confelves with state affaires, or take land to farme.

page 1 40.



Clerici actus secularium vel procurationes non sus-Coac, Carch. cipiant. 1, T, 1, c.6, p. 565,566.6 Sy- Episcopis non competit Ecclestastion aut politica nod.Conftant. eminentia.

Sententiam sanguinis nullus oleritus diffet vel Concil-Lat. T 7.p.S. 1 · c. 18 proferat, sed nec fanguinis vindictam exerceat aut ubi exerceatur intersit. Let no Clergy man either counfeil or pronounce any fentence concerning bloud, neither les him exercife any punishment concerning blood, or bee present where any such sentence or punishment is exercised.

Decrevit fanctum hoc magnumque Concilium Conc Chale d occum. 4, p. 2, nullum deinceps non Episcopum., non slericum vel Ad. 15. T. 3 monachum, aut pollessiones conducere, aut negotiis P.441,C.3. secularibus se immiscere, prater pupillorum (si forte leges imponant) inexcufabilem curam. This great and holy Councill hath decreed, that no Billion, no Clarke, no Munke, shall either take Land to farme, or meddle with fecular bufineffes, except the most inexcusable care of the gardianship of wards (if it fall out that the Lawes doe impose it

onthem)

Iubemus sub interminatione Anathematis nequis Alex, 3,ad A. chiep. Cant. T facerdos officium habeat vicecomitis vel prapoliti 2,p.73', Con. secularis nec agitare judicium sanguinis, we com-London 1. T mand under the penalty of Excommunication, 7.P. 34,661, that no Priest take upon him the Office of a vi-Col, I,T. count or Sheriffe, or any fecular office. Nor to exercise any judgment concerning bloud. So also in a Canon of a Councill of Lateran di-Append, Conc

reded to the Arch bishop of Canterbury. Clericis Lat,3,T,7, c, in facris prdinibus confticutis judicium fanglinis .P732. agitare agitare non licet ne aut per se truncationes membrorum faciant aut judicent referendus, quod si quis tale quid secerit honore privetur & loco.

Episcopus nullum rei familiaris curam ad se re- Canso, T, 1, wocet, sed ut lectioni & orationi, & verbi prædica- p. 718. tioni tantummodo vacet. Let not the Bishop trouble himselfe with his houshold cares, but wholly impley. himselfe inreading, praying and preaching: Heare the Counsell of Clem. I To a Bishop, Te oportet p,1, ad Episc. Summe studio niti ut omnes vita hujus occupationes T,1, Conc.p. abjicias, &c. It behoveth thee (faith he) to be very 33,7, C, 1 E, carefull to abandon all the occupations of this life, that thou be not a furety, not an Advocate, & that thou beeft not found imployed or involved in any other temporall or worldly businesse; for Christ will not now have thee to be a Judge or a Solliciter of secular affaires, lest thou being choked with these present cares, canst not attend the preaching the word of God, &c. Clericus Iufitiarius principis secularis deponendus est pro eo quod Decretal, 1. 3 officio clericali negledo fludibus & potestatibus se titulo 30,0,4. immisceat. Cyprian tells us, Iam pridem in Concilio episcoporum statutum est, ne quis de clericis & Dei ministris tutorem tet curatorem Testamento Cyprian Epist. fuo constituat, cum singuli divino sacerdotio hono- 66. rati, & cunti in clericali ministerio constituti non nifi altari & facrificiis defervire, & procibu. orationibus vacare debeant, scriptum enim est nemo militans Deo implicet se molestiis secularibu ut poffit placere ei cui se probavit.2 Tim.2. He faith That long fince it is decreed in a Councill of Bishops

God frould be Overfeer of wills & Testaments. fince all those who are honoured with the holy order of Priefthood shall wholly attend at the altar, and shall bee busied in prayers and oraisons for it is written, No man that warreth, entangleth himselfe with the affaires of this life , because hee would please him, who hath chosen him ot be a souldier, i. Tim. 2. Therefore faith Ambrose, Ecclesiasticus Deo se probet, ut huic devotus officium impleat quod spospondit, in Dei rebus sollicitus, in seculari negetio alienus. Let the clergie man approve himselfe to God, and bee devoted to the performance of the dutie he hath undertaken, let him bee follicitous in Gods worke, and a stranger to secular businesse. Let me not forget the sad story of a Deane Britannicz, p. of Pauls, who (in Hubert the Arch-Bishop his time) was Treasurer of England, & thereby grew very rich, and lying upon his Death-bed, made his will as followeth. Lego omnia bona mea domino Regiscorpus Sepultura, animam vero Diabolo, I bequeath (faith he) all my goods to my Lord the King, my body to the Grave, my foule to the Divell, and so expired, the King commanded that his body should be carryed in a cart & cast into the River, the Author giveth this reason for his setting downe such like Examples to it, to terrise the Clergy from medling with temporall Offi-

ces and affaires, the story is well worth the reading at large. We

Ambrole in 2 Tim.2.

Antiquitates

([44)] Werteld manholip de Wale long toff Range Object, dit put all Clergie men from the Parliaments ple put-1, de belle nie diede ner bife Anarchife teerin patter et Ini - g logh thus mer wis our port pritereds belowere work lines i spell whiming He did he could now the good comer once roll away Parlings Which that shootharde of Eccle frafticall perfousass as brand of moral foules Bibirelaciti hibel raman mehm hebbok etti. Tental outton, will all inview por Manual pail pail soft mon finite change in the best design of the free leaving the ut unis bone discrimpolitica quificient musical upon the margent, Fond and feel house though batt tachat despay wei flaterest y samperalistisfer. o f. de pat into ifcountry dails no his littensentif congres men intermeddle with temporall affaires. Lecus Green Whatofinistiful Bad in Ale - mann wee! felestand Mantyes says Christs Wich's Vallifor a ridar Titte bijashucid minister tris kentedonie there thip. 3 4. 1983 his hadily ablerior, and drave the ever fighe of his flockrimy chorde Duker Lorde King bis Ten point is distributed for formation of the point of the po hologic printer brown dillien and Chyla? Kingdome inday have no real portation? on Jan finish in more results and example I with 824 rice or Transport to lettery Identification to the Williams fadploaning deidforentatinfortenges Louis Bihop Laid Profidentel ener there hard marine of mould in the herr & Sermi Loud President band thought it it a is a require personal to it is non missing the city of the city of the parties of the city of the city

Pari



office

[(422]) office, and it catthot be that one man hill well put all Clergie mea from the P. Atodegraphib levels Apol p - in The old Canons of the Apold on feith Die thop Jewell') commanded than Bithop to be rem 1. p. 309. moved from his other which will both! fupply the place of a Givill Magistrate and allo of an feules from fo hard a reakenol red lasifian alvel referration in the state of making maintaineth charles Eccleaut care and to incitate descrive himselfe por those that beare him. Bistion Lucksetteth downer upon the margent, Fond and foolings as though the British may have the composal findent, and execute 2 transporal office withour worldhis men intermed the mith temporall affaires Bishop Hope - OAT Bilhops We fich Richop Weper Dave Ito much with they they tan rule and ferte Casthey (2y) in both flates, vis in the Church and atto in the civil policy; when one of them is more then one is able to feril fee dell bits does which his heft diligence if he her for nesefficity for the Court That in civil candes and giving of good! counfell be cannot be forred, let him info that vocation and leave the other, for it is find poffin ble he flould doe both wells and to great weep's fight it is of the Princes and thigh power of the Earth, thus to charge then with two burshins? It is both against Gods lawes and ManastariBe-1 thops and Clargie men thould be Judgesowen any Subjects within this Realmen for this meb ofice Bart

part of their office, they can doe no more but preach Gods word, and manufar Gods Sacraments, and excommunicate such as Gods lawes pronounce to be excommunicate, who would put a fword into a Mad-mans hand?

be a Lord President but it must be a President to the state of the second of the secon thames and a montrous thing, other no man of a Chris. f. should be found able to governe a wordly King- 124. Col, s, dome - fave Bishops and Prielates that have forfaken the world in and are taken out of the world, and appointed to preach the Kingdome of God.

One Bishop (saith he) keepeth the Privy Idem p. 152, Sealer another the Great Scale, the third is Coh-col: 1. fellon that is to fay, a Privy Traitor and fector Ludas he is President of the Princes Counsellohe is an Ambaffadour, another fort of the Kings fecret Counfell, woe is unto the Realme where they are of the Counfell, as profitable are they verily supporte Realmowith their Goursell as the Voolfe unto the Theepe, of the Fox unto 25 O CE ceres of Wills and Teft men store and

Bishop Lating daith to The Prolates are Bishop terine occupied in the mkings matters of forme ore Pauls p. 10. 10. Amazgadours, fome of the Priviy Counfell, lome to furnish the so Court an formenare Lords of the Parliament of forme of contro less of the Mints well, well, is this their times, is this their . Office it is this shelf dullings Tera-



to controles the Divellet I would faine know Mome in his Parish while hee controleth he wint, if the Appetes thight not leave the office of preaching to the Deacous, thall one leave it for mining, and a fittle after, England, I Beate it to thy shame, is there never a Noble man to be a Lord President, but it must be a Prelate ? Is theremisera wife manifirehe Realme to ber a Bound of and Mine Ample Reading to Wall - thankey ibthere be never a wife man, make a VVaenerbearered Finkersa Cobles a Slave, or a Page Donnaler of the Man make a mean of the long man a Growind Party Committee Took & Babber President. And a little after be faith shift in Mander to the Noblemen as ifthey licked wifedone and tearing to be tole for fuch offices or telle were not men of Confeience; "lot elle were not meere le being fied for hie fi places, se fices a Prelate hat ha charge and care other wife there fore he cannot discharge his dury to bee 1 1374 they are of the Countell, as probotherships of as | Menhere ree the recent of bearing it that would not allow the Christian to be as much as overfeeres of Wills and Teftaments (though a mofreharitable office) noradinit ban to lurke, no noted looke into the Courty Michail Michail Paris p. 19.6. Be Judges Priny Counsellours, of to fit in Parliament) we fee a woe pronounced to the land where they are talled Lords & I that they are no more profitable to the lade with their Chantels then the Woolfe is to the theepe, how to pura

porali imployment upona Clergie-man isto Ant 2 Sword 1670 2 Mad mans hand, how a flat. Begger, 2 Tinker, 1 Cobler is thought fittel to Be a controler of the Mint, Lord President or the like then a Clergic man, you fee how it is toputed to be a shame; a scorne to the Nobility, as if they were unworthy, unable, or not con-leionable enough to beare flush phices, and is it not to for the Gentry too? Dorn not a grave Divine in a Sermon in print feeme not much to diffike this description of a Gentleman? to ir. A Gentleiffan is a Beatt, That rideth on a Beast, who earryeth a beast on his fift, he followeth Beafts and Beafts follow him, to that certainly they doe not thinke fuch Beafts fit to bearc office in a Common wealth, yet they Hierifelves would have to doe with Temporall affavres but would not have the Lalty, perhaps not the Prince not Parliament to meddle with Spiritual matters, but the Anthors that follow were of another thand. That you rest thouse exped to recover his owne? And againe. Princes and Parliaments authority to medule of hono with matters of Religion. bring him in & And againe, May northe Prince

Leutherius Britop 82 Rome about The years 170 in his Epittle to Katha King of Mist Jing, 64. Cook Com

faith Rex Dei, bichrish oft in Romafab, the King profes. Is Gods Vicar la his owne Kingdome is 22 and Print Billon Chris ces Bellie Chi m that him verted fols and it subjection,



formed Religion in their Realmes relyed on their Princely power and zeale for the doing of that fervice, and not on the Ceremoniall and fenren tiall Acts and Decrees of Priests and Prophets. The Christian Princes, take which you will that first received and after restored the faith in their Empires and Kingdomes, tyed not themselves to the voyces and fuffrages of the Clergy that were in present possession of the Churches, but often times removed them without Counsell or confultation. You may doe well to corred, St. Paul where he faith , Faeth commeth by hearing, and hearing by the word of God, and to adde Faith commeth by judiciall cognition and competent Jurisdiction of fuch as have legall meanes to deliterate and pronounce of God and his truth, and a little after, why then restraine you truth to the affemblies and fentences of Popes and Prelates, as though they must be gently intreated and fairly offered by Christ, before he might attempt or should expect to recover his owne? And againe. Call you that order where Christ shall Gand without doores till your Clergie consent to bring him in ? And againe, May not the Prince and people imbrace those Lawes which GOD hath mad wholoever fay nay? What if some Bishops will not agree, they shall, must the Prince and the people cease to serve God till the Clergie be better minded ? The case betweene the Clergicand the Lairy in the first Parliament other Majelies raigne (Queene Clizabeth) was

6 . Cols 6. 4.

the a patrum in

Billest Chris

Sab edion.

[47]

whether God fhould be served according to his word, or according to the devices and abules of the Roman Churchethe Prince as alfathe New bles and Commons fubinitied their confents to dans with the word of God, the Bishops refused is ... The foundation of the Lawes of our Country being this that what the Prince and the most part of her Bardes and Burgeffes thall confirme, that shall stand for goods thele was no disorders no violence offered in that Parliament, and yet furn ther. The Bifliops must reach leaving alwaies this liberty to the Prince and people to examine their Dostrine and avoyd their errours, and if they reach not truth the Frence and people may wepell them de that Turkiament did, and afterward ? 3410 Claime you Bithops that sincerest and prerogative that without you nothing thall bee done in matters of Religion by the Lawes of God or by the liberties of this Realme. Lawes of the Land you have no fuch Privi-Partramental have bethe by the King and his Realine, the Clergie wholly excluded and yet their Acts and Startures good, and when the Bi Hops were prefent, their voyces from the Codquet to this day were never negative, by Gode Caw your have nothing to doe with rid king Lawes for Kingdomes and Common wealthes, you may reach, you may not command, perswalton is your part, compaliton is the Princes, if Princes embrace the thirk you must obey them; if they pursue truth spoot must abide them. By what authority then claime

(484)] claime youthis. Dominion over Brandespella their lawes for Religion Thall be voyde unless your confent & fo farie that learned Billoom and Billiop Lewels CiBilhop Jewell: faithisting Parliamed kiolend Defence 6 port ly bolden by Bamqadati Sels Edwardsbury dis Archbithops and Buthops weter glate that forth and yet the Parliament held on, and endd and wholeforne dawes were iberentha bed the derned ring or ableboon ormalists of the Tobias 16thin ruall o norwithflanding in the whitie is four this bite Rex cum fuis Baronibus Parlamente G. cles liberty to the Prince and Americana Bolinsky or Dodrine and avoyd their erroars, and if ther See more of Eccle liaftical saules debated in Parliament, in Jewels expol. 6. perticia Divisio Bap 1649 miand of the Tamparel power medling inchatters of Religion Garlators vi unifact done in matters of RAES AND LIGHT HERE God or by the interies of this Realme. by bythe Ligionis, fee more of this Subject Quelle Teology . 76. Rainof sconference Hart. P. 679 1000 A Caneus Res, - Perfape (faith Cunaus) Spiritualiurius T quis Ceremoniaxum 4d eps religionumque cura c

pub: Habr: p. Brincipesq: es dustores populi secerdotes at 3921 tutely pertinet. The Spirit of God (faith he) dot very often call Kings and Princes, and the Leaders of the people Prichs because the cuttody care of Ceremonies, and of Religion belongs to

must obey them; if they pursue truth made, and abide them. By what authority then

chime

P. 644.

Pareusad Rom.

P. 1136.

The Oath ex officio.

Accufare fe nemo tenetur, faith Vafquins, nifi covam Deg secundum illud Chrysoftomi, non tibi dico ut te Vasq; Coniro produs. No man is bound to accuse himself but before illustres p.124 God according to that of Chryfoftome, I doe not fay, nu. 27. that thou shouldst betray thy felfe. Interrogat Dess Optatus com quod noverat quem nibil latet ut personas in judicio cene Parmen separet, nolens eundem effe accusatorem & judicem,nec l'4 debere reum fine accufatore damneri. 1000 1000 Augan, 50

Quis sibi utrumque audeat assumore ut unquam fit Hamil: iffe & accusator & Judex ? Who dares affume to himselfe to bee both an Accuser and a Judge ? faith

St. Auftin.

That famous Lawyer Sir Edward Cooke faith, 74, Cooks Reparts ramentum in propria est inventio diaboli ad detrudendum animas miserorum in infernum. The Oath ex officio, faith he, is an invention of the Divell, to cast the soules of miserable people into Hell.

Let the Judges, faith Tindall, judge and condemne Tindals obodi the trespasses under lawfull witnesses, and not breake of a Christ p. up into the consciences of mensafter the example of Antichrifts Disciples, and compell them either to forsweare themselves by the Almighty God, and by the holy Gefell of his mercifull promiles, or to reftifie against themselves, which abomination our Prolates learned of Caiphas . Mat. 26. faying to Christ, I adjure or charge thee in the name of the living Gods that thou tell us whether thou be Chrift the Sonne of God.

I warned the Judges, faith he, that they take non Idem p; an example how to minister their offices of our Spi-coly. vilasti car of ignorm Hile hould treasfer



ritualty which are bought and fold to doe the will of Sathan, let that which is fecret abide fecret, till God open it, which is the Judge of fecrets, for itis more then a cruell thing to breake up into a mans heart, and to compell him to put either foule or body in jeopardy, or to shame himselfe. If Peter that great Pillar for feare of death for fooke his Mafter, ought we not to spare weake consciences?

L'ambert fee Fox. p. 1. p. 1032, 4. 5

If Judges (faith Lambert) sometimes not know. ing by any due proofe, that fuch as have to doe afore them are culpable, will enforce them by an Oath to detect theselves in opening before them their hearts in this fo doing I cannot fee that men need to condescend to their requests, for it is in the Law thus. Nemo tenetur prodere seipsum. No man is bound to accufe himfelfe.

See more against the Oath Ex Officio. Fox. 1.625. edit. 1570. also Fullers Argument.

Whether things confecrated may be allienated.

Certainly common sense and right reason will prompt every one to believe, that this proposition, whatfoever is confecrated cannot be alienated, must admit of some limitations and restrictions, else thele and the like abfurdities will follow. First that not onely all Abbyes, Priories, and Nunneries, but perhaps all the rest of this Kiugdome too shall bee swallowed up by the Clergy or by some charitable thes, for it is credible that there is scarfe any part of it but at one time or other hath fince the beginning of the world beene given to some superstitious or pions or charitable use, if the truth in that kind could appeare, and so they must have all. Secondly if any Church out of ignorant zeale should transferre 9.

parts.

parts of all their lands and profits to the maintemace of Church-officers, all the rest of the common wealth must ever after content themselves with the 10. part for their maantenance, and may never without facriledge recall any of the 9. parts, though by common confent, so if a particular man having mamy children, or being out of hopes of any should give. all his lands from them to maintaine a divinity le-Gure of any other fuch pious use, and after by Parliament his lands should be restored to him, he might not without facriledge imploy any part thereof for the maintenance and preferment of his children, or in cafe two Parish Churches should be almost consignus or neeret ogether and one of them aloane of capacisy enough conveniently to receive all the Parishioners of both Parishes, and both the livings be but a fu fficient maintenance for one Minister, and the Parishioners so poore that they cannot repaire both Churches, the two Parishes may not in this case be by the State united and one of the Churches be pulled downe or turned into a dwelling house, by these few as by a patterne one may judge of the whole piece, and conclude that the former proposition must necessarily admit of some distinctions or limitations. Quere, Weether it may not be meant of things confecrated by the expresseLaw c.fGod for his fervice in the Sanduary, and of some of those things one might not fo much as eat of much lette devoure or alienate in whole or in part, not onely in regard of injury done to Gods Priests, and the disappointment of Gods fervice, but also of the profane violation of the holy typs for it were as if one should give the facramentall bloud to dogs, but mens confecrations under the Gospell seem to be of another nature, & there H-2

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is a great difference betwixt a voluntary confecration whereby one freely gives away his owne, and a legall imposition & taxation, wherby a multitude set down a rate or proportion for every man, besides may not things be confecrated for Gods fervice, for ever ablolurely and without all exceptions, or for ever respe-Aively, if things ever continue in that state, else to be repealed and changed, as occasion shall require; for is it not an inseparable property of Gods Lawes and starutes onely to be unalterable and unrepealable? May not one be faid to alienate things confecrated under the Gospell divers wayes. I. He who for his own gain theewithly withdrawes or purloines things confecrated, Secodly, who alienateth or diminisheth by force that. which was confecrated. Thirdly, they that alter the maintenance of Gods worship to the hindrance thereof. Fourthly, they that legally alter it by adding or detracting to make it more convenient for the prefet times, and that by Parliam int, Fifthly, they who make use of such alterations as comon consent hath confirmed, to wit, who pay tithes, or any other maintenace of the Ministery, fust as the law hath appointed it, the three first may (I beleeve) be under the danger of sacriledg, but not the two last. Besides it may be meant of things confecrated onely to a right end, that is to themaintenance of Gods true service not of superstitions for my part, I think it is not in mans power, but in Gods onely, fo to confecrate any thing, which of its owne nature is of common use, but that it may without fin be diverted from holy to common use again by the flate; Doe not many of those reverend and renowned testimonies, which I have before produced in the title of the Riches, &c. of the Clergie, advise Princes and states to take away the superfluities of the Clergy, so that they hold that things confecrated by man, may be alienated, as also by consequence forementioned, those clouds of witnesses who joyntly enveigh against the riches of the Clergy, holding the to be the bane and poyfon of the Church, doe imply they may be taken away; for shall, wee willingly fuffer the Church to be poyfoned, and doe not as many dye of Plethories, as of Confumptions? Shall it be a fin in the state, if they adde not to the maintenance of the Ministry, when it is too little, and shall it bee also a fin in them, if they take away when it is too much; Or if they do but apportion somewhat more equally that maintenance, which is already established, either by altering the precincts of Parishes, or by any other way, for the Clergy will not dare to fay, that the division of Parishes is Iure Divino, and therby lop the most luxuriant livings, and supply the most penurious ? I will instance in some few authorities, allowing alienations of confecrated things in some cases.

Coveruvias faith, Laicis de Ecclesia tene meritis an- Cover. T. 2, 3e Concil. Lateran obtentum fuit ut decima a Prala-p.90 nus. It is perpetuo in feudum concederentur.

Donatio facta Ecclesia nativitate siliorum revoca- 1dcm T. 2. p. tun quoad legitimam, sed non quod totum, hac est com-

munis opinio.

Res Ecclefia funt duplisis generis: 1. Que non deputantur ad altaris mini- ldcmT. 2. p. sterium nec ad cultus Divini celebratio- 190 n. 8, nem, ut domus, prata, vinea &c.

2. Que ministerio & cultui Divino Sunt destinate, ut vasa, vestimenta, calices & Similia.

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Acs



Priores ves alienari poffunt ad utilitatem Exclesse

pramissa canomica solemnitate.

Caufa pracipus ad alienationem rerum Ecclesia, etiam earum que ministerio divini cultus destinantur ef ad subveniendum pauperibus, ne frigore seu fame pereant, of ad redemptionem captivorum, non tantum ad alendum proprios parochianos, sed ad exterorum alimenta of redemptionem.

Sugu Rinus.

St. Austine faith. Quam laudabile factum fanti Aurelii Carthaginensis Episcopi, quidam enim cum filios non haberet nec speraret, res suis omnes, retento sibi usufrustu, donavit Ecclesia, nati sunt ei filis nec opimanti, reddidit Episcopus ea que donaverat, inpotettate habebat Episcopus non redderessed jure fori non jure poli.

Laudatur Augustimus a Possidonio quod vasa domini-Pofidon de vita Augustini ca frangi & conflari jubebat propter captivos & qua 6. 24. plurimos indigentes quibus ea dispensabat, qued idem Ambros. 1, 2, author dominum Ambrofium fecife commemorat. Hieronymus multum laudat Episcopum qui sacra vasa in Offic. C. 24. Pauperum erogarit alimenta, & templum Dei poliarit

ne deeffet pauperibus,

Weemes faith. The devouring of holy things, Pro. Weemes 2, vol. 20.25. is a ceremoniall appendix of the 8. Com-P. 152. mandement.

> If cofecrated things may not be alienated, how may confecrated persons be alienated, that is employed in

secular offices and affayres?

The quotations contained in this little pamphlet, have without any help bin hudled up in haffe, & therfore likely not without fome mistakes, & the summe of all is, That fince a testimony against ones selfe is held to bethe strongest, and Clergie men are onely (as it were) called in as witneffes in Clergie matters, fince

fo many Councils, ancient Fathers, & moderne renowned Bishops, Doctors, and holy Martyrs here alleaged (belides no doubt a world of others, which a learned pen might adde, and all those famous forraine test imonies, and no small store of our own, which I purposely omit) fince I say these doe dislike as it were with disdaine and detest Pluralities, non-residency, unpreaching Prelates and Ministers, Lordlinesse, Ambition, pomp, riches, Dominion in the Clergie, as also their intermedling with Temporall offices and affayres, and complain & fulminate against those, who wrest the temporalties of the Church from their proper imployment, fince also the secular power may have cognizance and. jurisdiction in things belonging to Gods worship, and that things confecrated, dedicated or given to pious ufes by man, or by the State may be alienated or altered, or better regulated and apportioned by the State againe, what a perversenesse, an injustice, an impiety is it for any to require the pious industry of this Parliament (in providing against these aberrations) with detractive derogations, and invective obloquies, whereas (except their owne interests doe infatuate them) they cannot but be convinced of the laudablenesse of the undertaking. Nolunt credere & tamen non credere nesciunt.

A Character of some of the Reformed Religion mentioned in this booke, ubo perhaps are not so well or generally knowne:

Thomas Beacon a man of great vertue and learning: who suffered great perfecution in Q. Maries time.

Mr. Bradford an excellent Marryr, who fealed his Do-Ridge Lense Orine with the shedding of his blood commended by to Mr. Bishop Ridly thus, Mr. Bradford a man by whom

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as I am affuredly informed, God hath and doth works wonders in setting forth bis Word,

William Tindall a true Marryr of God, who may Fox, p. 981. b. 30,983,2.1 well bee called the Apostle of England in this our late terage, he first translated the new Testament into Enlift, he wrote divers bookes, & it cannot be Goken what a doore of light they opened to the eyes of the whole Eno glish Nation, which before were many yeares but up if darknesse, thus Mr. Fox.

> Bullinger called by Pantaleo one of the Fathers of the Gospell, whose decades and Sermons being trained flated into English, were fet forth by publick author rity in Queen Eliz.her time, to be read either privat-

> ly or publickly, as appeares in the Preface.

John Lambert a worthy Martyr of God, whose and Iwers to the Articles against him, containe great learning.

Mr. Leaver a Preacher before King Ed. 6. was:

banished in Queene Mariestime.

Peter Martyr brought into England by King Ed. 6. and made Divinity lecturer in Oxford. Sleydan faith of him, that he was a man exceedingly beloved for his fincere judgement, his great mildnesse and modelly, and for his incomparable learning.

For p. 2. p. B. Hooper a godly Martyr, in his Doctrine he was 366, 2 86, earnest, in tongue eloquent, in the Scripture perfect, in pains indefatigable, of all those vertues & qualities required of St. Paul in a Bifbop, in his Epifile to Timothy, I know not one in this good Biffeep lacking.

B. Latimer, called by B. Ridley, that old and true Fox; p. s. p. 15 18. b. 60. Apostle of Christ, and of our English Nation and dry 70, b. 70. E Mr. Fox, the famous Preacher, and worty Marry of Christ, See more in his commendations of Raise and State qualita

OF REFORMATION

CHVRCH-DISCIPLINE
IN

ENGLAND:

And the CAVSES that hitherto have hindred it. By m. John Milton

Two Bookes,

Written to a FREIND.

Ex Dono Authoris



Printed, for Thomas Underbill 1641.



Princed, for Monus vindellige (41.



Faults escap't in the printing are heer corrected.

Page I.l.5.at frequent must be a comma, p.2.l.27. sensual. p. 4. l. 31. exorcism. p. 5. l. 9. at adoration a comma. p. 6.l.4. in ignorance there wants an a. l. 29. she taught. p. 7. l. 9. adde in Discipline, which is the execution. p. 19. l. 4. collegues. l. 13. known. p. 70. l. 6. yea other nations p. 72. l. 5. each other state. l. 7. at common is no period, but a comma.









REFORMATION ENGLAND,

And the CAVV SES that hitherto have hindred it.

Sir,



Midst those deepe and retired thoughts, which with every man Christianly instructed, ought to be most frequent, of God, and of his miraculous ways, and works, amongst men, and of our Religion and Worship, to be performed to him; after the

flory of our Saviour Christ, suffering to the lowest bent of weaknesse, in the Flesh, and presently triumphing to the highest pitch of glory, in the Spirit, which drew up his body also, till



we in both be united to him in the Revelation of his Kingdome : I do not know of any thing more worthy to take up the whole passion of pirty, on the one fide, and joy on the other, then to confider first, the foule and fudden corruption, and then after many a tedious age, the long-deferr'd, but much more wonderfull and happy reformation of the Church in these latter Sad it is to thinke how that Doctrine of the Gospel, planted by teachers Divinely inspir'd, and by them winnow'd, and fifted, from the chaffe of overdated Ceremonies, and refin'd to such a Spirituall height, and temper of purity, and knowledge of the Creator, that the body, with all the circumstances of time and place, were purifi'd by the affections of the regenerat Soule, and nothing left impure, but sinne; Faith needing not the weak, and fallible office of the Senfes, to be either the Vfhers, or Interpreters of heavenly Mysteries, save where our Lord himselfe in his Sacraments ordain'd; that fuch a Doctrine should through the groffenesse, and b'indnesse, of her Professors, and the fraud of deceivable traditions, drag fo downwards, as to backslide one way into the Jewish beggery of old cast rudiments, and slumble forward another way into the new-vomited Paganisme of seasuall Idolatry, attributing purity, or impurity, to things indifferent, that they might bring the inward acts of the Spirit to the outward, and customary ey-Service of the body, as if they could

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could make God earthly, and fleshly, because they could not make themselves beavenly, and Spiritual: they began to draw downe all the Divine intercours, betwixt God, and the Soule, yea, the very shape of God himselfe, into an exterior, and bodily forme, urgently pretending a necessity, and obligement of joyning the body in a formall reverence, and worship circumscrib'd, they hallow'd it, they fum'd it, they sprincl'd it, they be deckit it, not in robes of pure innocency, but of pure Linnen, with other deformed, and fantastick dresses in Palls. and Miters, gold, and guegaw's fetcht from Arons old wardrope, or the Flamins veftry: then was the Prieft fet to con his motions, and his Pofures his Liturgies, and his Lurries, till the Soule by this meanes of over bodying her felfe, given up justly to fleshly delights, bated her wing apace downeward : and finding the eafe the had from her visible, and sensuous cotlegue the body in performance of Religious duties, her pincons now broken, and flagging, shifted off from her selfe, the labour of high soaring any more, forgot her heavenly flight, and left the dull, and droyling careas to plod on in the old rode, and drudging Trade of outward conformity. here out of question from her pervers conceiting of God, and holy things, the had faln to beleeve no God at all, had not custome and the worme of conscience nipt her incredulity hence to all the duty's of evangelicall grace instead of the adop-B 2 tive



tive and cheerefull boldnesse which our new alliance with God requires, came Servile, and thrallike feare: for in very deed, the superstitious man by his good will is an Atheift; but being fcarr'd from thence by the pangs, and gripes of a boyling conscience, all in a pudder shuffles up to himselfe such a God, and such a worship as is most agreeable to remedy his feare, which feare of his, as also is his hope, fixt onely upon the Flesh, renders likewise the whole faculty of his apprehension, carnall, and all the inward ads of wo this issuing from the native strength of the SOVLE, run out lavishly to the upper skin. and there harden into a crust of Formallitie. Hence men came to scan the scriptures, by the Letter, and in the Covenant ofour Redemption, magnifi'd the external figns more then the quickning power of the Spirit, and yet looking on them through their own guiltinesse with a Servile feare, and finding as little comfort, or rather terror from them againe, they knew not how tohide their Slavish approach to Gods behests by them not understood, nor worthily receav'd, but by cloaking their Servile crouching to all Religious Presentments, somtimes lawfull, sometimes Idolatrous, under the name of humility, and terming the Py-bald frippery, and oftentation of Ceremony's decency.

Then was Baptisme chang'd into a kind of exorcisme, and water Sanctifi'd by Christs institute, thought little enough to wash off the original

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Spot without the Scratch, or crosse impression of a Priests fore-finger : and that feast of free grace, and adoption to which Christ invited his Disciples to sit as Brethren, and coheires of the happy Covenant, which at that Table was to be Seal'd to them, even that Feast of love and heavenly-admitted fellowship, the Seale of filiall grace became the Subject of horror, and glouting adoration, pageanted about, like a dreadfull Idol: which sometimes deceve's wel-meaning men, and beguiles them of their reward, by their voluntary humility, which indeed, is fleshly pride, preferring a foolish Sacrifice, and the rudiments of the world, as Saint Paulto the Coloffians explaineth, before a favory obedience to Christs example. Such was Peters unseasonable Humilitie, as then his Knowledge was small; when Chraft came to wash his feet; who at an impertinent time would needs straine courtesy with his Mafter, and falling troublesomly upon the lowly, alwife, and unexaminable intention of Christ in what he went with resolution to doe, fo provok't by his interruption the meeke Lord, that he threat'nd to exclude him from his heavenly Portion, unlesse he could be content to be leffe arrogant, and stiff necke in his humility.

But to dwell no longer in characterizing the Depravities of the Church, and how they sprung, and how they tooke increase; when I recall to mind at last, after so many darke Ages, wherein the huge overshadowing traine of Error had almost



most swept all the Starres out of the Firmament of the Church; how the bright and blifsfull Reformation (by Divine Power) strook through the black and fettled Night of Ignorance and Camithriftian Tyranny, me thinks a foveraigne and reviving joy must needs rush into the bosome of him that reads or heares; and the fweet Odour of the returning Gospell imbath his Soule with the fragrancy of Heaven. Then was the Sacred BIBLE fought out of the dufty corners where prophane Falshood and Neglect had throwneit, the Schooles opened, Divine and Humane Learning rak't out of the embers of forgotten Tongues, the Princes and Cities trooping apace to the new erected Banner of Salvation; the Martyrs, with the unresistable might of Weaknesse, shaking the Powers of Darkneffe, and fcorning the fiery rage of the old red Dragon,

The pleasing pursuit of these thoughts hath oft-rimes led mee into a serious question and debatement with my selfe, how it should come to passe that England (having had this grace and honour from God to bee the first that should set up a Standard for the recovery of lost Truth, and blow the first Evangelick Trumpes to the Notions, holding up, as from a Hill, the new Lampe of saving light to all Christendome should now be last, and most unsettled in the enjoyment of that Peace, whereof we taught the way to others; although indeed our mickless preaching, at which all the succeding Reformers more effectually light

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ted their Tapers, was to his Countrey-men but a short blaze soone dampt and stiff'd by the Pape, and Prelaces for fixe of feven Kings Reignes; yet me thinkes the Precedencie which God gave this Iland, to be the first Restorer of buried Trush, should have beene followed with more happy fuccesse, and sooner actain'd Perfection; in which, as yet we are amongst the last : for, albeit in purery of Dodrine we agree with our Brethren; yet in the discipline which is execution and applying of Doffring home, and laying the falve to the very Orifice of the wound; yea tenting and fearthing to the Core, without which Pulpit Preaching is but shooting at Rovers; in this we are no better then a Schiffme, from all the Reformation, and a fore scandali to them, for while wee hold Ordination to belong onely to Bishops, as our Prelates doe, wee must of necessity hold also their Ministers co be no Ministers, and shortly after their Church to be no Church. Not to speake of those senceloste Ceremonies which wee onely retaine, as a dangerous carnelt of fliding back to Rome, and ferving meerely, either as a mist to cover nakednesse where true grace is extinguishe; or as an Enceriude to fer out the pompe of Prelatifue. Certainly it would be worth the while therefore and the paines, to enquire more particularly, what, and how many the cheife caules have been, that have ftill hindred our Uniforme Confem to the reft of the Churches abroad, (at this time respecially) when the Kingdome is in a good propen fuy thereto; and all Men in Pray-



ers, in Hopes, or in Disputes, either for or a-

gainst it.

Yet will I not infift on that which may feeme to be the cause on Gods part; as his judgement on our sinnes, the tryall of his owne, the unmask. ing of Hypocrites; nor shall I stay to speake of the continuall eagernes and extreame diligence of the Pope and Papifts to Stop the furtherance of Reformation, which know they have no hold or hope of England their loft Darling, longer then the goverment of Bishops bolfters them out; and therefore plot all they can to uphold them. as may bee seene by the Booke of Santa Clara the Popish Preist in defence of Bishops, which came out piping hot much about the time that one of our own Prelats out of an ominous feare had writ on the same Argnment; as if they had joyn'd their forces like good Confederates to support one falling Babel.

But I shall cheisly indeavour to declare those Causes that hinder the forwarding of true Discipline, which are among our selves. Orderly proceeding will divide our inquirie into our Fore-Fathers dayes, and into our Times. HENRY the 8. was the first that rent this Kingdome from the Popes Subjection totally; but his Quarrell being more about Supremacie, then other faultinesse in Religion that he regarded, it is no marvell if hee stuck where he did. The next default was in the Bishops, who though they had renounc't the Pope, they still hugg'd the Popedome, and shar'd the

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Authority among themselves, by their sixe bloody Articles persecuting the Protestants no slacker then the Pope would have done. And doutles, when ever the Pope shall fall, if his ruine bee not like the sudden down-come of a Towre, the Bisops, when they see him tottering, will leave him, and fall to scrambling, catch who may, hee a Patriarch-dome, and another what comes next hand; as the French Cardinall of late, and the See of Cancerbury hathplainly asserted.

In Edward the 6. Dayes, why a compleate Reform was not effected, to any considerate man may appeare. First, he no sooner entred into his Kingdome, but into a Warre with Scotland; from whence the Protector returning with Victory had but newly put his hand to repeale the 6. Articles, and throw the Images out of Churches, but Rebellions on all fides stir'd up by obdurate Papifts, and other Tumults with a plaine Warre in Norfolke, holding tack against two of the Kings Generals, made them of force content themselves with what they had already done. Hereupon follow'd ambitious Contentions among the Peeres. which ceas'd not but with the Protectors death, who was the most zealous in this point : and then Northumberland was hee that could doe most in England, who little minding Religion, (as his Apoltacie well thew'd at his death, bent all his wir how to bring the Right of the Crowne into his owne Line. And for the Bifbops, they were fo far from any fisch worthy Attempts, as that they fuffer'd



fuffer'd themselvs to be the commo stales to com tenance with their proftituted Gravities every Politick Fetch that was then on foot, as oft as the Potent Statists pleas'd to employ them, Never do we read that they made use of their Authoricy and high Place of access, to bring the iarring Nobility to Christian peace, or to withstand their disloyall Projects; but if a Toleration for Maffe were to be beg'd of the King for his Sifter MARY, left CHARLES the Fifth should be angry; who but the grave Prelates Cranmer and Ridley must be sent to extort it from the young King? But out of the mouth of that godly and Royall Childe, Christ himselfe return'd such an awfull repulse to those halting and time-ferving Prelates, that after much bold importunity, they went their way not without shame and reares.

Nor was this the first time that they discovered to bee followers of this World; for when the Protectors Brother, Lord Sudley, the Admiral through private malice and malengine was to lose his life, no man could bee found fitter them Bishop Laumer (like another Doctor shaw) to divulge in his Sermon the forged Accusations laid to his charge, thereby to defame him with the People, who else was thought would take ill the innocent mans death; undesse the Reverend Bishop could warrant them there was no fonle play. What could be more impious then to debarre the Children of the King from their right to the Growne? To comply with the ambitious

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Lifurpation of a Traytor; and to make void the last Will of HENRY 8, to which the Breakers had sworne observance? Yet Bishop Cranmer, one of the Executors, and the other Bishops none resusing, (less they should resist the Duke of Northumberland) could find in their Consciences to set their hands to the disinabling and defeating not onely of Princesse MARY the Papist, but of ELIZABETH the Protestant, and (by the Bishops judgement) the Lawfull Issue of King HENRY.

Who then can thinke, (though these Prelates had sought a further Reformation) that the least wry face of a Politician would not have hush't them. But it will be said, These men were Martyrs: What then? Though every true Christian will be a Martyr when he is called to it; not presently does it follow that every one suffering for Religion, is without exception Saint Paul writes, that A man may give his Body to be burns, (meaning for Religion) and yet not have Charitie: He is not therefore above all possibility of erring, because hee burnes for some Points of Truth.

Witnes the Arians and Pelagians which were flaine by the Heathen for Christis fake, yet werake both these for no true friends of Christ. If the Mariyrs (faith Cyprian in his 20. Epistle) decree one thing, and the Gospelanother, either the Mariyrs must lose their Crowne by not observing the Gospel for which they are Mariyrs; or the Maje-



Majestie of the Gospelmu t be broken and lie flat, if it can be overtopt by the novely of any other Decree.

And heerewithall I invoke the Immortall DEITIE Reveler and Judge of Secrets. That wherever I have in this BOOK & plainely and roundly (though worthily and truly) laid open the faults and blemithes of Fathers, Mariges, of Christian Emperors; or have otherwise inveigh ed against Error and Superstition with vehement Expressions: I have done it, neither out of malice, nor lift to fpeak evill, nor any vaine glory; but of meere necessity, to vindicate the spotlesse Truth from an ignominious bondage, whose native worth is now become of fuch a low effective, that thee is like to finde fmall credit with us for what the can fay, unleffe thee can bring a Ticket from Grammer, Laumer, and Ridley; or prove her felfe a retainer to Conftamine, and weare his badt. More tolerable is were for the Thurch of God that all these Names were utterly aboutht, like the Brazen Serpent; then that mens fond opini on should thus idolize them, and the Heavenly Truth be thus captivated.

Now to proceed, what loever the Bishops were, it seemes they themselves were unfatisfied in matters of Religion, as they then stood, by that Commission granted to 8. Bishops, 8. other Divines, 8. Civilians, 8. common Lawyers, to frame Ecclesiastical Constitutions; which no wonder if it came to nothing; for (as Hayward relates) both

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their Professions and their Ends were different. Laftly, we all know by Examples, that exact Reformation is not perfited at the first push, and those unweildy Times of Edward 6. may hold some Plea by this excuse: Now let any reasonable man judge whether that King s Reigne bea fit time from whence to patterne out the Conflitution of a Church Discipline, much leffe that it should yeeld occasion from whence to foster and establish the continuance of Imperfection with the commendatory subscriptions of Confessors and Martyrs, to intitle and ingage a glorious Name to a groffe cerruption. It was not Episcopacie that wrought in them the Heavenly Fortitude of Marryrdome : as little is it that Marryrdome can make good Epescopacie: But it was Episcopacie that led the good and holy Men through the temptation of the Enemie, and the snare of this present world to many blame-worthy and opprobrious Adions. And it is fill Epifeopacie that before all our eyes worfens and fluggs the most learned, and feeming religious of our Ministers, who no fooner advance toit, but like a feething pot fet to coole, fenfibly exhale and reake out the greatest part of that zeale, and those Gifes which were formerly in them, fettling in a skinny congealment of eafe and floth at the top: and if they keep their Learning by some potent sway of Nature, the a rare chance; but their deverson most commonly comes to that queary temper of luke-warmneffe, that gives a Vomit to Go D himfelfe.

But



But what doe wee suffer mis-shapen and enormous Prelatifme, as we do thus to blanch and vari nish her deformities with the taire colours, as before of Marindome, so now of Episcopacie They are not B Shops, Go D and all good Men know they are not, that have fill'd this Land with late confusion and violence; but a Tyrannically crew and Corporation of Impostors, that have blinded and abus'd the World fo long under that Name. He that inabl'd with gifts from God, and the lawfull and Primitive choyce of the Church affembl'd in convenient number, faithfully from that time forward feeds his Parochiall Flock, ha's his coequall and compresbyteriall Power to ordaine Ministers and Deacons by publique Prayer. and Voic of Christs Congregation in like fort as he himselfe was ordain'd, and is a true Apostolick Bilbop. But when hee steps up into the Chayre of Pontificall Pride, and changes a moderate and exemplary House, for a mis-govern'dand haughty Palace, Spirituall Dignity for carnall Precedence and fecular high Office and employment for the high Negotiations of his Heavenly Fmballage, Then he degrades, then hee un-Bisbops himselfe; hee that makes him Bilbop makes him no Bilbop. No mars vell therfore if S. Martin complain'd to Sulpinine Severus that since hee was Bishop he felt inwardly. a lensible decay of those versues and graces than God had given him in great measure before; Although the same Sulpitius write that he was no thing tainted, or alter'd in his babit, dyet, or perfonall 17

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fonall demeanour from that simple plainnesse to which he first betook himselfe. It was not therfore that thing alone which God tooke displeasure at in the Bishops of those times, but rather an universall rottennes, and gangrene in the whole Function.

From hence then I paffe to Qu. ELIZABETH. the next Protestant Prince, in whose Dayes why Religion attain'd not a perfect reducement in the beginning of her Reigne, I suppose the hindring Causes will be found to bee common with some formerly alledg'd for King EDW A'RD 6. the greennesse of the Times, the weake Estate which Qu. MARY left the Realme in, the great Places and Offices executed by Papilts, the Judges, the Lanyers, the Justices of Peace for the most part Popilb, the Bishops firme to Rome, from whence was to be expected the furious flathing of Excommunications, and absolving the People from their Obedience. Next, her private Councellours, whoever they were perswaded her (as Camden writes) that the aftering of Ecclefrafticall Policie would move fedition. Then was the Liturgie given to a number of moderate Dromes, and Sir Tho. Smith a Statesman to bee purg'd, and Physick't: And inrely they were moderate Divines indeed, neither hot porcold; and Grindall the best of them, afterwards Arch Bifop of Canterbury Toft favour in the Court; and I think was discharg'd the goverment of his See for favouring the Ministers, though Camden seeme willing to finde another Cause:



Cause : therefore about her second Yeare in a Parliament of Men and Minds some scarce well grounded, others belching the foure Crudities of yesterdayes Poperie, those Constitutions of Epw. 6. which as you heard before, no way fatisfi'd the men that made them, are now establishe for best, and not to be mended. From that time follow'd nothing but Imprisonments, troubles. difgraces on all those that found fault with the Decrees of the Convocation, and strait were they branded with the Name of Puritans. As for the Queene her felfe, shee was made beleeve that by putting downe Bishops her Prerogative would be infring'd, of which shall be spoken anon, as the course of Method brings it in. And why the Prelais labour'dit should be so thought, ask not them. but ask their Bellies. They had found a good Tabernacle, they fate under a spreading Vine, their Lot was fallen in a faire Inheritance. And these perhaps were the cheife impeachments of a more found rectifying the Church in the Queens Time.

From this Period I count to begin our Times, which, because they concerne us more neerely, and our owne eyes and eares can give us the ampler scope to judge, will require a more exact search; and to effect this the speedier, I shall diffinguish such as I esteeme to be the hinderers of Reformation into 3. sorts, Antiquitarians (for solhad rather call them then Antiquaries, whose labours are usefull and laudable) 2. Libertines,

3. Polititians.

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To the votarists of Antiquity I shall think to have fully answer'd, if I shall be able to prove out of Antiquity, First, that if they will conform our Bishops to the purer times, they must mew their seathers, and their pounces, and make but curtail'd Bishops of them; and we know they hate to be dockt and clipt, as much as to be put down outright. Secondly, that those purer times were corrupt, and their Books corrupted soon after. Thirdly, that the best of those that then wrote, disclaim that any man should repose on them, and fend all to the Scriptures.

First therfore, if those that over-affect Antiquity, will follow the fquare therof, their Bishops must be elected by the hands of the whole Church. The ancientest of the extant Fathers Ignatius, writing to the Philadelphians faith, that it belongs to them as to the Church of Godto choose a Bishop. Let no man cavill, but take the Church of God as meaning the whole confiftence of Orders and Members, as S. Pauls Epiftles expresse, and this likewise being read over: Besides this, it is there to be mark'd, that those Philadelphians are exhorted to choose a Bishop of Antioch. Whence it feems by the way that there was not that wary limitation of Dioces in those times, which is confirm'd even by a fast friend of Episcopacie, Camden, who cannot but love Billiops, as well as old coins, and his much lamented Monasteries for antiquicies sake. He writes in his description of Scotland, show over all the world Bishops had no



certaine

certaine Dioces, till Pope Dionysius about the yeare 268. did cut them out, and that the Bishops of Scot. land executed their function in what place foever they came indifferently, and without distinction till King Malcolm the third, about the yeare 1070. whence may be guest what their function was : was it to goe about circl'd with a band of rooking Officials, with cloke bagges full of Citations, and Processes to be serv'd by a corporalty of griffonlike Promooters, and Apparitors? Didhe goe about to pitch down his Court, as an Empirick does his banck, to inveigle in all the mony of the Contrey? no certainly it would not have bin permitted him to exercise any such function indifferent ly wherever he came. And verily fome such matter it was as want of a fat Dioces that kept our Britain Bishops so poore in the Primitive times, that being call'd to the Councell of Ariminum in the yeare 359, they had not wherewithall to defray the charges of their journey, but were fed; and lodg'd upon the Emperors cost, which must needs be no accidentall, but usuall poverty in them, for the author Sulp. Severmin his 2 Booke of Church History praises them, and avouches it praise-worthy in a Bishop, to be so poore as to have nothing of his own. But to return to the ancient election of Bishops that it could not lawfully be without the consent of the people is so expresse in Cyprian, and so often to be met with, that to cite each place at large, were to translage a good part of the volume, therfore touching the chief chief passages, I referre the rest to whom so list peruse the Author himselfe: in the 24. Epist. If a Bishop saith he, be once made and allowed by the restimony and judgement of his collegues, and the people, no other can be made. In the 55. When a Bishop is made by the suffrage of all the people in peace. In the 68. marke but what he saies, The people chiefly hath power, either of choosing worthy ones, or resusing unworthy: this he there proves by authorities out of the old and new Testament, and with solid rea-

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This voyce of the people to be had ever in Episcopal elections was so well known, before Cyprians time, even to those that were without the Church, that the Emperor Alexander Severus defird to have his governours of Provinces chosen in the same manner, as Lampridim can tell : So little thought it he offensive toM onarchy; and if fingle authorities perswade not, hearken what the whole generall Councel of Nicas the first and famousest of all the rest determines, writing a Synodal Epift.to the African Churches, to warn them of Arrianisme, it exhorts them to choose orthodox Bishops in the place of the dead so they be worthy, and the people choose them, whereby they feem to make the peoples affent fo necessary; that merit without their free choyce were not sufficient to make a Bishop. What would ye fay now grave Fathers if you fhould wake and fee unworthy Bishops, or rather no Bishops, but Egyptian task-masters of Ceremonies thrust pur-



posely upon the groaning Church to the afficit on, and vexation of Gods people? It was not of old that a Conspiracie of Bishops could frustrate and fob off the right of the people, for we may read how S. Martin food after Constantine was made Bishop of Turon in France by the peoples confent from all places thereabout maugre all the opposition that the Bishops could make. Thus went matters of the Church almost 400. yeare after Christ, and very probably farre lower, for Nicephorus Phocas the Greek Emperour, whose reign fell neare the 1000, year of our Lord, having done many things tyrannically, is faid by Cedrenus to have done nothing more grievous and displeasing to the people, then to have inacted that no Bishop should be chosen without his will; fo long did this right remain to the people in the midst of other palpable corruptions: Now for Episcopall dignity, what it was secont of Ignating, who in his Epiftle to those of Trallie confesseth that the Presbyters, are his fellow Cour Sellers, and fellow benchers. And Cyprian in many places, as in the 6.41.52. Epift. speaking of Prefly ters, calls them his Compresbyters, as if he deem'd himselfe no other, whenas by the same place it appeares he was a Bishop, he calls them Brethren: but that will be thought his meeknesse: yea, but the Presbyters and Deacons writing to him think they doe him hopour enough when they phrase him no higher then Brother Cyprian, and deare Cyprian in the 26. Epift. For their Authority 'tis evident

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evident not to have bin fingle, but depending on the counsel of the Presbyters, as from tenations was erewhile alledg'd; and the fame Cyprean acknowledges as much in the 6 Epist. and addes therto that he had determin'd from his entrance into the Office of Bishop to doe nothing without the consent of his people, and so in the 31. Epist, for it were tedious to course through all his writings which are fo full of the like affertions, infomuch that evinin the womb and center of Apoltacy Rome it felfe, there yet remains a glimps of this truth, for the Pope himselfe, as a learned English writer notes well, performeth all Ecclefiasticall jurisdiction as in Consistory amongst his Cardinals, which were originally but the Parish Priests of Rome. Thus then did the Spirit of unity and meeknesse inspire, and animate every joyne, and finew of the mysticall body, but now the gravest, and worthick Ministers acrue Bishop of his fold shall be revil'd, and ruffl'd by an insulting, and only-Canon-wife Prelate, as if he were some slight paltry companion; and the people of God redeem'd, and well d with Christs blood, and dignify'd with someny glorious titles of Saints, and ions in the Golpel, are now no better reputed then impure ethnicks, and lay dogs fromes & Pillars, and Crucifixes have now the honour, and the almosdue to Christs living members, the Table of Communion now become a Table of separation flands like an exalted platforme upon the brow of the quire, fortifid with bulwark, and



barricado, to keep off the profane touch of the Laicks, whilft the obscene, and surfered Priet fcruples not to paw, and mammock the facramentall bread, as familiarly as his Tavern Bisker. And thus the people vilifi'd and rejected by them. give over the earnest study of vertue, and godlinesse as a thing of greater purity then they need. and the fearch of divine knowledge as a mystery too high for their capacity's, and only for Churchmen to meddle with, which is that the Prelates defire, that when they have brought us back to Popish blindnesse we might commit to their dispose the whole managing of our salvation, for they think it was never faire world with them fince that time: But he that will mould a modern Bishop into a primitive, must yeeld him to be elected by the popular voyce, undiocest, unrevenu'd, unlorded, and leave him nothing but brotherly equality, matchles temperance, frequent fafting, incessant prayer, and preaching, continual watchings, and labours in his Ministery, which what a rich bootie it would be, what a plump endowment to the many-benefice-gaping mouth of a Prelate, what a relish it would give to his canary-fucking, and fwan-eating palat, let old Bishop Mountain judge for me.

How little therforethose ancient times make for moderne Bishops hath bin plainly discours'd, but let them make for them as much as they will, yet why we ought not stand to their arbitrement shall now appeare by a threefold corruption

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which will be found upon them. I. The best times were spreadingly infected. 2. The best men of those times fouly tainted. 3. The best writings of those men dangerously adulterated. These Positions are to be made good out of those times witnessing of themselves. First, Ignatives in his early dayes testifies to the Churches of Asia, that even then Heresies were sprung up, and rife every where, as Eufebius relates in his 3. Book, 35. chap. after the Greek number. And Hegefippus a grave Church writer of prime Antiquity affirms in the same Book of Euseb. c. 32. that while the Apostles were on earth the deprayers of dostrine did but lurk but they once gon, with open forehead they durst preach down the truth with falfities : yeathofe that are reckon'd for orthodox began to make fad, and shamefull rents in the Church. about the trivial celebration of Feasts, not agreeing when to keep Eafter day, which controversie grew fo hot, that Vider the Bishop of Rome Excommunicated all the Churches of Afia for no other cause, and was worthily therof reprov'd by Irenaus. For can any found Theologer think that thele great Fathers understood what was Gofpel, or what was Excommunication? doubtleffe that which led the good men into fraud and erfor was that they attended more to the neer tradition of what they heard the Apostles somtimes did, then to what they had left written, not considering that many things which they did, were by the Apostles themselves profest to be done only



only for the present, and of meer indulgence to fome forupulous converts of the Circumcifion. but what they writ was of firm decree to all for ture ages. Look but a century lower in the i.com of Ensebius 8. Book. What a universal tetter of impurity had invenom'd every part, order, and degree of the Church, to omit the lay herd which will be little regarded, those that feem'd to be our Pastors, saith he, overturning the Law of Gods mor-(bip , burnt in contentions one towards another , and increfing in hatred and bitternes, outragiously fought to upbold Lordship, and command as it were a tyran-Stay but a little, magnanimous Bishops, suppresse your aspiring thoughts, for there is nothing wanting but Constantine to reigne, and then Tyranny her felfe shall give up all her cittadels into your hands, and count ye thence forward her trustiest agents. Such were these that must be call'd the ancientest, and most virgin times between Christ and Constantine. Nor was this general contagion in their actions, and not in their writings: who is ignorant of the foul errors, the ridiculous wrefting of Scripture, the Herefies, the vanities thick fown through the volume of Justin Marigr, Clemens, Origen, Tersullian and others of eldestrime? Who would think him fit to write an Apology for Christian Faith to the Roman Senat, that would tell them how of the Angels, which he must needs mean those in Gen. call'd the Soncof God, mixing with Women were begotten the Devills, as good Justin Martyr in his Apology told them. But more indignation would it move to any Christian that shall read Tertullian terming S. Paul a novice and raw in grace, for reproving S. Peter at Annoch, worthy to be blam'd if we believe the Epistle to the Galatians: perhaps from this hint the blasphemous Jesuits presum'd in Italy to give their judgement of S. Paul, as of a hot headed person, as

Sandys in his Relations tells us.

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Now besides all this, who knows not how many furreptitious works are ingraff'd into the legitimate writings of the Fathers, and of those Books that paffe for authentick who knows what hath bin tamper'd withall, what hath bin raz'd out, what hath bin inferted, besides the late legerdemain of the Papists, that which Sulpitions writes concerning Origens Books gives us canfe vehemently to suspect, there hath bin packing of old. In the third chap of his t. Dialogue, we may read what wrangling the Bishops and Monks had about the reading or not reading of Origen, some objecting that he was corrupted by Hereticks, others answering that all such Books had bin so dealt with. How then thalf I truft thefe times to lead me, that restifie foil of leading themselvs, certainly of their defeas their own witnesse may be best receiv'd but of the rectifude, and fincerity of their life and doctrine to judge rightly, wee must judge by that which was to be their rule.

But it wil be objected that this was an unfeel'd state of the Church wanting the temporali Magistrate



gistrate to suppresse the licence of false Brethren and the extravagancy of still-new opinions a time not imitable for Chutch government, where the remporall and spirituall power did not close in one beleite, as under Constantine. I am not of opinion to thinke the Church a Vine in this respect. hecause, as they take it, she cannot subsist without clasping about the Elme of worldly strength, and felicity, as if the heavenly City could not support it selfe without the props and buttreffes of fecular Authoritie. They extoll Constantine because he extol'd them; as our homebred Monks in their Histories blanch the Kings their Benefactors, and brand those that went about to be their Correctors. If he had curb'd the growing Pride, Avarice, and Luxury of the Clergie, then every Page of his Story should have swel'd with his Faults! and that which Zozimus the Heathen writes of him should have come in to boot : wee should have heard then in every Declamation how bee flew his Nephew Commodus a worthy man, his noble and eldest Son Criffus, his Wife Fansta, befides numbers of his Friends; then his cruell exactions, his unfoundnesse in Religion, favoring the Arrians that had been condemn'din a Counfell, of which himselfe face as it were President, his hard measure and banishment of the faithfull and invincible Athanafius, his living unbaptize almost to his dying day; these blurs are too ap parent in his Life. But since hee must needs bee the Load-starre of Reformation as some men clat-

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ter, it will be good to see further his knowledge of Religion what it was, and by that we may likewife gueffe at the fincerity of his Times in those that were not Hereticall, it being likely that hee would converse with the famousest Prelates (for so he had made them) that were to be found for learning. at an anish being sel doubled to

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Of his Arianisme we heard, and for the rest, a pretty scantling of his Knowledge may be taken by his deferring to be baptiz'd fo many yeares, a thing not usuall, and repugnant to the Tenor of Scripture, Philip knowing nothing that should him der the Eunuch to be bapized after profession of his beleife. Next, by the excessive devotion, that I may not fay Superstition both of him and his Mother Helena, to find out the Croffe on which Christ fuffer'd, that had long lien under the rubbish of old ruines, (a thing which the Disciples and Kindred of our Saviour might with more ease have done. if they had thought it a pious duty:) some of the nailes whereof hee put into his Helmet, to beare off blowes in battell, others he fasten'd among the fludds of his bridle, to fulfill (as he rhought, or his Court Bilbops perswaded him) the Prophesie of Zachariah; Andit Shall be that that which is in the bridle ball be holy to the Lord. Part of the Croffe in which he thought such Vertue to reside, as would prove a kind of Palladium to fave the Citie where ever it remain'd, he caus'd to be laid up in a Pillar of Porphyrie by his Statue. How hee or his Teachers could trifle thus with halfe an eye open



upon Saint Pauls Principles, Iknow not how to.

imagine.

How should then the dim Taper of this Emperours age that had fuch need of fnuffing, extend any beame to our Times wherewith wee mighe hope to be better lighted, then by those Lumine. ries that God hath fet up to shine to us far neeret hand. And what Reformation he wrought for his owne time it will not be amisse to consider, bee appointed certainetimes for Fasts, and Fealts, built stately Churches gave large Immunities to the Clergie, great Riches and Promotions to Bishops, gave and minister'd occasion to bring in a Deluge of Ceremonies, thereby either to draw in the Heathen by a resemblance of their tites, or to fet a gloffe upon the simplicity, and plainnesse of Christianity which to the gorgeous solemnities of Paganisme, and the sense of the Worlds Children feem'd but a homely and Yeomanly Religion, for the beauty of inward Sanctity was not within their prospect.

So that in this manner the Prelates both then and everfince comming from a meane, and Plebeyan Life on a sudden to be Lords of stately Palaces, rich furniture, delicious fare, and Princely attendance, thought the plaine and homespan verity of Christs Gospell unit any longer to hold their Lordships acquaintance, unlesse the poore thred-bare Matron were put into better clothes; her chast and modest vaile surrounded with celestiall beames they overlaid with wanton tresses,

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Thus flourish't the Church with Constantines wealth, and thereafter were the effects that follow'd; his Son Constantius prov'd a flat Arian. and his Nephew Iulian an Apostate and there his Race ended; the Church that before by infenfible degrees welk't and impair'd, now with large ftens went downehill decaying; at this time Anunbrift began first to put forth his horne, and that faying was common that former times had woodden Chalices and golden Preifts; but they golden Chalices and woodden Preifts. Formerly (faith Sulpitius) Marsyrdome by glorious death was fought more greedily, then now Bishopricks by vile Ambition are hanted after (speaking of these Times) and in another place; they gape after possessions, they tend Lands and Livings, they coure over their gold, they buy and fell: and if there be any that neither possesse nor traffique, that which is worle, they firstill, and exped guifts, and profiture every inducment of grace, every body thing to fale. And in the end of his History thus he concludes, all things went ro wrack by the faction, wilfulneffe, and avarice of the Bishops, and by this means Gods people, & every good man was had in fcorn and derifion which S. Marun found cruly to be faid by his friend Sulpinini; for being held in admiration of all men, he had onely the Balbops his enemies, found God leffe favorable to him after he was Bifor then before, & for E 3

for his last 16. yeares would come at no Bisbers meeting. Thus you see Sir what Constantines doings in the Church brought forth, either in his

own or in his Sons Reigne.

Now lest is should bee thought that somthing also might ayle this Author thus to hamper the Bishops of those dayes; I will bring you the opinion of three the samousest men for wit and learning, that Italy at this day glories of, whereby it may be concluded for a received opinion even among men professing the Romish Faith, that Constantine marr'd all in the Church. Danie in his 19. Canto of Inferno hath thus, as I will render it you in English blank Verse.

Ab Constantine, of how much ill was cause Not thy Conversion, but those rich demaines That the first wealthy Pope received of thee.

So in his 20. Canto of Paradise hee makes the like complaint, and Petrarch seconds him in the same mind in his 108. Sonnet which is wip't out by the Inquisitor in some Editions; speaking of the Roman Anichrist as meerely bred up by Constantine.

Founded in chast and humble Povertie,
'Gainst them that rais'd thee dost thou list thy horn,
Impudent whoore, where hast thou plac'd thy hope?
Inthy Adulterers, or thy ill got wealth?
Another Constantine comes not in hast.

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Ariosto of Ferrara after both these in time, but equall in same, following the scope of his Poem in a difficult knot how to restore Orlando his chiefe Hero to his lost senses, brings Astolfo the English Knight up into the moone, where S. John, as he seignes, met him. Cans. 34.

And to be short, at last his guid himbrings Into a goodly valley, where be sees A mighty masse of things strangely confused, Things that on earth mere lost, or were abused.

And amongst these so abused things listen what hee met withall, under the Conduct of the E-vangelist. In most lie and has an visit blands and in a second conduct of the E-vangelist.

Then past hee to a flowry Mountaine greene, which once smelt sweet, now stinks as odiously: This was that gift (if you the truth will have) That Constantine to good Sylvestrogave.

And this was a truth well knowne in England before this Poet was borne, as our Chancers Plowman shall tell you by and by upon another occafion. By all these circumstances laid together, I do not see how it can be disputed what good this Emperour Constantine wrought to the Church, but rather whether over any, though perhaps not wittingly, see open a dore to more mischiese in Christendome. There is just cause therefore that when the Prelates cry out Let the Church be reform'd.



form'd according to Constantine, it should found so a judicious eare no otherwise, then if they should say Make us rich, make us losey, make it lawlesse, for if any under him were not so, thanks to those ancient remains of integrity, which were not yet quite worne out, and not to his Government.

Thus finally it appears that those purer Times were no fuch as they are cry'd up, and not to be follow'd without suspicion, doubt and danger. The last point wherein the Antiquary is to bee dealt with at his owne weapon, is to make it manifest, that the ancientest, and best of the Fathers have disclaim'd all sufficiency in themselves that men should rely on, and sent all commers to the Scriptures, as all sufficient; that this is true, will not be unduly gather'd by thewing what effecme they had of Antiquity themselves, and what validity they thought in it to prove Dodrine, or Discipline. I must of necessirie begin from the second ranke of Fathers, because till then Antiquitie could have no Plea. Cyprian in his 63. Epiftle. If any, faith he, of our Auncestors either ignorantly or out of simplicity hath novoblere'd that which the Lord raught us by his example (speaking of the Lords Supper) his simplicity God may pardon of his mercy, but wee cannot be excus'd for following him, being inftructed by the Lord, Andbave not we the fame infructions and will not this holy man with all the whole Conlistoric of Saints and Marryrs that liv'd of old when wee shall goe about to Father our Errors, and opinions upon their Authority? in the 73.

Epist. hee adds, in vaine doe they oppose custome tous if they be overcome by reason; as if custome were greater then Truth, or that in spirituall things that were not to be followed, which is revel'd for the better by the holy Ghost. In the 74. neither ought Custome to hinder that Truth should not prevaile, for Custome without Truth

is but agednesse of Error.

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Next Ladanius, he that was prefer'd to have the bringing up of Constantines children in his second Booke of Institutions, Chap. 7. & 8. disputes against the vaine trust in Antiquity, as being the cheifest Argument of the Heathen against the Christians, they doe not consider, saith he, what Religion is, but they are confident it is true, because the Ancients deliver dit, they count it a trespasse to examine it. And in the eighth, not because they went before us in time, therefore in wisedome, which being given alike to all Ages, cannot be prepossest by the Ancients; wherefore feeing that to feeke the Truth is inbred to all, they bereave themselves of wisedome the gift of God who without judgement follow the Ancients, and are led by others like bruit beafts. St. Austin writes to Fortunation that he counts it lawfull in the bookes of whomsoever to reject that which hee finds otherwise then true, and so hee would have others deale by him. He neither accounted,

Of Reformation, &c. Lib.

counted, as it seems, those Fathers that went before, nor himselfe, nor others of his rank, for men
of more then ordinary spirit, that might equally
deceive, and be deceived. and oftimes, setting our
service humors asside, yea God so ordering, we may
find Truth with one man, as soon as in a Counsell, as Cyprian agrees 71. Epist. Many things, saith
he, are better revealed to single persons. At Nices
in the first, and best reputed Counsell of all the
world, there had gon out a Canon to divorce married Priests, had not one old man Paphnusius stood

up, and reason'd against it.

Now remains it to flew clearly that the Fathers referre all decision of controversie to the Scriptures, as all-sufficient to direct, to resolve. and to determine. Ignatius taking his last leave of the Asian Churches, as he went to martyrdome: exhorted them to adhere close to the written doctrine of the Apostles, necessarily written for posterity: sofarre was he from unwritten traditions, as may be read in the 36. c. of Eusebins 3.b. In the 74. Epist. Of Cyprian against Stefan Bish.of Rome imposing upon him a tradition, whence, quoth he, is this tradition ? is it fetcht from the authoruy of Christ in the Gospet, or of the Apostles in their Epistles: for God testifies that those things are to be done which are written : and then thus; what obfis nacie, what presumption is this to preferre humane Tradition before divine ordinance ? And in the fame Epist. If we shall return to the head, and beginning of devine tradition (which we all know he means the Bible) en

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Bible) humane error ceases, and the reason of heavenly misteries unfolded, what sever was obscure, becomes cleare. And in the 14. Diftind. of the fame Epift directly against our modern fantasies of a fill visible Church, he teaches, that succession of truth may fail, to renew which we must have recourfe to the fountaines, uling this excellent similicude, if a Channel, or Conduit pipe which brought in water plentifully before, Suddenly fail, doe we not goe to the fountaine to know the cause, whether the Spring affords no more, or whether the vein be flopt, or turn'd a fide in the midcourfe : thus ought we to doe, keeping Gods precepts, that if in ought the truth shall be chang dowe may repaire to the Gofpel, and to the Apostles, that thence may arife the reason of our doings, from whence our order, and beginning erofe. In the 75. he inveighs bitterly against Pope Stefans, for that he could boaft his Succession from Peter, and yer foist in Traditions that were not Apostolicall. And in his Book of the unity of the Church he compares those that neglecting Gods Word, follow the doctrines of men, to Coreb, Dathan, and Abiram. The very first page of Arbanafin against the Gentiles, averses the Scriptures to be sufficient of themselves for the declaration of Truth, and that if his friend Macarine read other Religious writers, it was but ornoxians come un virtuofo, (as the Italians fay,) as a lover of elegance; and in his 2d Tome the 39. pag, after he hath rekon'd up the Canonicall Books, In thefe only, faith he, withe detrine of godlineffer anghr, let no man adde to thefe,



or take from thefe; and in his Synop fashaving again fer down all the Writers of the old & new Teftament, thefe, faith he, be the anchors, and props of our Faith: besides these, millions of other Books have bin written by great and wife men according to rule, and agreement with thefe, of which I will not now speak, as being of infinite number, and meer dependance on the canonical Books Bail in his 2d Tome writing of true Faith, tells his auditors he is bound to reach them that which he hath learn't out of the Bible: and in the fame Treatise, he saith, That seeing the Commandments of the Lord are faithfull and fure forever it is a plain falling from the Faith, and a bigh pride either to make word any thing therin, or to introduce any thing not there to be found : and he gives the reason for Christ faith, My Sheep heare my voyce, they will not follow another, but fly fram him ; because they know not his voyce. But not to be endlesse in quotations, it may chance to be objected, that there be many opinions in the Fathers which have no ground in Scripture; so much the lesse, may I say, should we follow them, for their own words shall condemn them, and acquit us, that lean not on them; otherwise these their words shall acquit them, and condemn us. But it will be reply'd, the Scriptures are difficult to be understood, and therfore require the explanation of the Fathers, 'tis true there be some Books, and especially some places 7 in those Books that remain clouded yet ever that which is most necessary to be known is most cafie;

eafie; and that which is most difficult; fo farre expounds it felfe ever, as to tell us how little it imports our faving knowledge. Hence to inferre a generall obscurity over all the text, is a meer fuggestion of the Devil to disswade men from reading it, and casts an afpersion of dishonour both upon the mercy, truth, and wifdome of. God: We count it no gentlenesse, or fair dealing in a man of Poweramongst us, to require strict, and punctual obedience, and yet give out all his commands ambiguous and obscure, welhould think he had a plocupon us, certainly fuch commands were no commands, but fnares. The very effence of Truth is plainnesse, and brighenes; the darknes and crookednesseis our own. The wisdome of God created understanding, fit and proportionable to Truth the object, and end of it, as the eye to the thing visible. If our understanding have a film of ignorance over it, or be blear with gazing on other falle glifterings, what is that to Truth? If we will but purge with forrain eyefalve that intellectual ray which God hath planted in ns, then we would believe the Scriptures protesting their own plainnes, and perspicuity, calling to them to be instructed, not only the mile, and learned, but the simple, the poor, the babes, foretelling an extraordinary effusion of Gods Spirit upon every age, and fexe, attributing to all men, and requiring from them the ability of fearthing, trying, examining all things, and by the Spirit discerning that which is good; and as the Scriptures them-



themselvs pronounce their own plainnes, so doe the Farhers testifie of them.

I will not run into a paroxylm of citations again in this point, only instance Athanasau in his fore-mention'd first page; the knowledge of Truth, faith he, wants no humane love, as being evident in it selfe and by the preaching of Christ nom opens brighter then the Sun. If these Doctors who had scarse half the light that we enjoy, who all except 2 or 3 were ignorant of the Hebrew tongue, and many of the Greek, blundring upon the dangerous, and suspectfull translations of the Apostat Aquila, the Heretical Theodotion, the Judaiz'd Symmachu; the erroneous Origen; if these could yet find the Bible so easie, why should we doubt, that have all the helps of Learning, and faithfull industry that man in this life can look for, and the assistance of God as neer now to us as ever. But let the Scriptures be hard; are they more hard, more crabbed, more abstruse then the Fathers? He that cannot understand the sober, plain, and unaffected stile of the Scriptures, will be ten times more puzzl'd with the knotty Africanisms, the pamper'd metafors; the intricat, and involv'd sentences of the Fathers, besides the fantastick, and declamatory flashes; the crosse-jingling periods which cannot but disturb, and come thwart a setl'd devotion worse then the din of bells, and rattles.

Now Sir, for the love of holy Refermation, what can be faid more against these importunat clients of Antiquity, then she her selfe their parronesse



tronesse hath said. Whether think ye would she approve still to dote upon immeasurable, innumerable, and therfore unnecessary, and unmercifull volumes, choosing rather to erre with the specious name of the Fathers, or to take a found Truth at the hand of a plain upright man that all his dayes hath bin diligently reading the holy Scriptures, and thereo imploring Gods grace, while the admirers of Antiquity have bin beating their brains about their Ambones, their Diptychs, and Meniaia's ? Now, he that cannot tell of Stations, and Indictions; nor has wasted his pretious howrs in the endles conferring of Councels and Conclaves that demolish one another. although I know many of those that pretend to be great Rabbies in these studies have scarce saluted them from the ftrings, and the titlepage, or to give 'em more, have bin but the Ferrers and Monfhunts of an Index: yet what Pastor, or Minister how learned, religious, or discreet soever does not now bring both his cheeks full blown with. Occumenical, and Synodical, shall be counted a lank, shallow, unsufficient man, yea a dunce, and not worthy to speak about Reformation of Church Discipline. But I trust they for whom Ged hach reserv'd the honour of Reforming this Church will eafily perceive their adversaries drift in thus calling for Antiquity, they feare the plain field of the Scriptures, the chase is too hot; they seek the dark, the bushie, the tangled Forrest, they would imbosk: they feel themselvs strook in the tranf-



transparent streams of divine Truth, they would plunge, and tumble, and thinke to ly hid in the foul weeds, and muddy waters, where no plummet can reach the bottome. But let them beat themselvs like Whales, and spend their ovl till they be drade'd ashoar: though wherfore should the Ministers give them so much line for this. and delays? Wherfore should they not urge only the Gospel, and hold it ever in their faces like a mirror of Diamond, till it dazle, and pierce their mifty ey balls? maintaining it the honour of its absolute sufficiency, and supremacy inviolable: For if the Scripture be for Reformation, and Antiquity to boot, 'tis but an advantage to the dozen, 'tis no winning cast: and though Antiquity be against it, while the Scriptures be for it, the Cause is as good as ought to be wisht, Antiquity it selfe sitting Judge.

But to draw to an end; the second fort of those that may be justly number'd among the hinderers of Reformation, are Libertines, these suggest that the Discipline sought would be intolerable: for one Bishop now in a Dioces we should then have a Pope in every Parish. It will not be requisit to Answer these men, but only to discover them, for reason they have none, but lust, and licentiousnes, and therfore answer can have none. It is not any Discipline that they could live under, it is the corruption, and remisnes of Discipline that they seek. Episcopacy duly executed, yea the Turkish, and Jewish rigor against whor-

ing,

ing, and drinking; the dear, and tender Discipline of a Father; the sociable, and loving reproof of a Brother; the bosome admonition of a Friend is a Presbytery, and a Consistory to them. 'Tis only the merry Frier in Chancer can disple them.

Full sweetly beard he confession And pleasant was his absolution, He was an easie manto give pennance.

And so I leave them: and referre the political discourse of Episcopacy to a Second Book.

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dow, which only is to fay happured the execute fixe positions.





REFORMATION, &c.

The Second Book.

Holbak

Sir,



T is a work good, and prudent to be able to guide one man; of larger extended vertue to order wel one house; but to govern a Nation piously, and

justly, which only is to say happily, is for a spirit of the greatest size, and divinest mettle. And certainly of no lesse a mind, nor of lesse excellence in another way, were they who by writing layd the solid, and true foundations of this Science, which being of greatest importance to the life of man, yet there is no art that hath bin more canker'd in her principles, more soyl'd, and slubber'd with aphorisming pedantry then the art of policie; and that most, where a man would thinke should least be, in Christian Common-wealths. They teach not that to govern well is to train up a Nation in true wildom and vertue, and that which

which springs from thence magnanimity, (take heed of that) and that which is our beginning, regeneration, and happiestend, likenes to God, which in one word we call godlines, & that this is the true florishing of a Land, other things follow as the shadow does the substance: to teach thus were meer pulpitry to them. This is the mafterpiece of a modern politician, how to qualifie, and mould the sufferance and subjection of the people to the length of that foot that is to tread on their necks, how rapine may ferve it felfe with the fair, and honourable pretences of publick good, how the puny Law may be broughtunder the wardship, and controut of luft, and will; in which attempt if they fall fhort, then must a fuperficial colour of reputation by all means dired or indired be gotten to wash over the unfightly bruse of honor. To make men governable in this manner their precepts mainly tend to break a nationall spirit, and courage by count'nancing open riot, luxury, and ignorance, till having thus disfigur'd and made men beneath men, as June in the Fable of 10, they deliver up the poor transformed heifer of the Commonwealth to be flung and vext with the breefe, and goad of oppression under the custody of some Argus with a hundred eyes of jealousie. To be plainer Sir, how to foder how to ftopa leak; how to keep up the floting carcas of a crazie, and discased Monarchy, or State betwixt wind, and water, fwimming still upon her own dead lees, that now is



the deepe designe of a politician. Alas Sir! Common-welth ought to be but as one huge Christian personage, one mighty growth, and stature of an honest man, as big, and compact in vertue as in body; for looke what the grounds, and causes are of single happines to one man, the same vee shall find them to a whole state, as A iftette both in his ethicks, and politiks, from the principles of reason layer down by consequence there fore, that which is good, and agreeable to monarchy, will appeare foonest to be so, by being good and agreeable to the true wel-fare of every Christian, and that which can be justly prov'd hurtfall, and offensive to every true Christian, wilbe evinc'tto be alike hurtful to monarchy:for God forbid, that we should separate and distinguish the end, and good of a monarch, from the end and good of the monarchy, or of that, from Christianity. How then this third, and last fort that hinder reformation, will justify that it stands not with reason of state, I much muse? For certain I am the Beble is shut against them, as certaine that neither Plato, nor Aristotle is for their turnes, What they can bring us now from the Schools of Loyola with his Jesuites, or their Malvezzi that can cut Tacuus into flivers and fleaks, we shall presently hear. They alledge I. That the Church government must be conformable to the civill politie, next, that no forme of Church government is agreeable to monarchy, but that of Bishops. Must Church gove rnment that is appointed

appointed in the Gospel, and has chief respect to the foul, be conformable, and pliant to civil. that is arbitrary, and chiefly conversant about the visible and external part of man? this is the very maxim that moulded the Calvs of Bethel and of Dan, this was the quintessence of Feroboams policy, he made Religion conform to his politick interests, & this was the fin that watcht over thelfraelites till their final captivity If this State principle come from the Prelates, as they affect to be counted statists, let them look back to Elutherius Bishop of Rome, and see what he thought of the policy of England; being required by Lucius the first Christian King of this Hand to give his counsel for the founding of Religious Laws, little thought he of this fage caution, but bids him betake himselfe to the old, and new Testament. and receive direction from them how to adminifter both Church, and Common-wealth; that he was Gods Vicar, and therfore to rule by Gods Laws, that the Edicts of Cafar we may at all times disallow, but the Statutes of God for no reason we may reject. Now certaine if Church-goverment be taught in the Gofpel, as the Bishops dare not deny, we may well conclude of what late standing this Position is, newly calculated for the altitude of Bishop elevation, and lettice for their lips. But by what example can they flew that the form of Church Discipline must be minted, and modell'd out to secular pretences? The ancient Republick of the Jews is evident to have



have run through all the changes of civil effate. if we survey the Story from the giving of the Law to the Herods, yet did one manner of Prieft. ly government ferve without inconvenience to all these temporal mutations: it serv'd the mild Aristocracy of elective Dukes, and heads of Tribes joyn'd with them; the dictatorship of the Judges, the easie, or hard-handed Monarchy's, the domestick, or forrain tyrannies, Lastly the Roman Senat from without, the Jewish Senat at home with the Galilean Terrarch, yet the Levices had some right to deal in civil affairs: but feeing the Euangelical precept forbids Churchmen to intermeddle with worldly imployments, what interweavings, or interworkings can knit the Minister, and the Magistrate in their several functions to the regard of any precise correspondency? Seeing that the Churchmans office is only to teach men the Christian Faith, to exhort all, to incourage the good, to admonish the bad, privately the leffe offender, publickly the feands lous and stubborn; to censure, and separate from the communion of Christs flock, the contagious, and incorrigible, to receive with joy, and fatherly compassion the penitent, all this must be don, and more then this is beyond any Church autority. What is all this either here, or there to the temporal regiment of Wealpublick, whether it be Popular, Princely, or Monarchical? Where doth it intrench upon the temporal governor, where does it come in his walk? where does it make

make inrode upon his jurisdiction? Indeed if the Ministers part be rightly discharged, it renders him the people more conscionable, quiet, and easie to be goveraid, if otherwise his life and doctrine with declare him distribution of the Church be already for down by divine prescript, as all sides confesse, then can she not be a handmaid to wait on civil commodities, and respects sandif the nature and limits of Church Dasciphine be such as are either helpfull to all political estates indifferently, or have no particular relation to any, then is there no necessity, nor indeed possibility of linking the one with the other in a special conformation.

Now for their second conclusion, That we form of Church government is agreeable to Monarchy, but that of Bilhops, although it fall to pieces of it felfe by that which hathchim fayd: yet to give them play front, and seare, in shall be my task to prove that Epideopacy with that Autority which it challenges in England is not only not agreeable, but tending to the deftruction of Monarchy. While the Primitive Paftors of the Church of God labour'd faithfully in their Ministery , tending only their Sheep, and not feeking, but avoiding all worldly matters as clogs, and indeed derogations, and debalements to their high calling, little needed the Princes, and potentates of the earth, which way foever the Gospel was spread, to frudy ways how to make a coherence between the Churches politic, and theirs : therfore when Pilate



Pilate heard once our Saviour Christ professing that his Kingdome was not of this world, he thought the man could not fland much in Cafars light, nor much indammage the Roman Empire: for if the life of Christ be hid to this world, much more is his Scepter unoperative, but in spiritual things And thus liv'd, for 2 or 3 ages, the Successors of the Apostles. But when through Constantines lavish Superstition they for sook their first love, and fer themselvs uptwo Gods instead, Mammon and their Belly, then taking advantage of the spiritual power which they had on mens consciences, they began to cast a longing eye to get the body alfo, and bodily things into their command, up on which their carnal defires, the Spirit dayly quenching and dying in them, they knew no way to keep themselves up from falling to nothing, but by bolftering, and supporting their inward rottenes by a carnal, and outward ftrength. For a while they rather privily fought opportunity, then haftily disclos'd their project, but when Constantine was dead, and 3 or 4 Emperors more, theirdrift became notorious, and offensive to the whole world: for while Theodofise the younger reign'd, thus writes Socrates the Historian in his 7th Book, 11. chap. now began an ill name to flick upon the Bishops of Rome, and Alexandria, who beyond their Priestly bounds now long agoe had stept into principality and this was scarse 80. years fince their raising from the meanest worldly condition. Of courtesie now let any man tell

me, if they draw to themselves a semporal strength and power out of Casars Dominion, is not Casars Empire thereby diminishe? but this was a stolne bit, hitherto hee was but a Caterpiller secretly gnawing at Monarchy, the next time you shall see him a Woolse, a Lyon, lifting his paw against his raiser, as Perrarch express it, and finally an open enemy, and subverter of the Greeke Empire. Philippicus and Leo, with divers other Emperours aster them, not without the advice of their Patriarchs, and at length of a whole Easterne Counsell of 3. hundred thirty eight Bishops, threw the Images out of Churches as being decreed idolatrous.

Upon this goodly occasion the Bishop of Rome not only seizes the City, and all the Territory about into his owne hands, and makes himselfe Lord thereof, which till then was govern'd by a Greeke Magistrate, but absolves all staly of their Tribute, and obedience due to the Emperour, because hee obey'd Gods Commandement in a-

bolishing Idolarry.

Mark Sir here how the Pope came by S. Peters Patrymony, as he feigns it, not the donation of Constantine, but idolatry and rebellion got it him. Yee need but read Signius one of his owne Sect to know the Story at large. And now to shroud himselfe against a storme from the Greek Continent, and provide a Champion to beare him out in these practises, hee takes upon him by Papall sentence to unchrone Chilpericus the rightfull K. of France, and gives the Kingdome to Pepin for no other



other cause but that hee seem'd to him the more active man. If he were a freind herein to Monarchy I know not, but to the Monarch I need not

aske what he was.

Having thus made Pepin his fast freind, he cals him into Italy against Aistulphus the Lombard. that wart'd upon him for his late U surpation of Rome as belonging to Ravenna which he had newly won. Pepin, not unobedient to the Popescall passing into Italy, frees him out of danger, and wins for him the whole exarchat of Ravenne, which though it had beene almost immediately before, the hereditary possession of that Monaychy which was his cheife Patron, and Benefactor, yet he takes, and keepes it to himselfe as lawfull prize, and given to St. Peter. What a dangerous fallacie is this, when a spirituall man may snatch to himselfe any temporal! Dignity, or Dominion under pretence of receiving it for the Churches use; thus he claimes Naples, Sicily, England, and what not? To bee short, under shew of his zeale against the errors of the Greeke Church, hee never ceast baiting, and goring the Successors of his best Lord Constantine what by his barking curses, and Excommunications, what by his hindering the Westerne Princes from ayding them against the Sarazens, and Turkes, unlesse when they bumour'd him; so that it may be truly affirm'd, he was the subversion, and fall of that Monarchy, which was the hoisting of him; this, besides Petrarch, whom I have cited, our Chancer also hath observ'd

observ'd, and gives from hence a caution to England to beware of her Bishops in time, for that their ends, and aymes are no more freindly to Monarchy then the Popes.

Thus hee brings in the Plow-man speaking

2. Part. Stanz. 28.

The Emperour Tafe the Pope sometime
So high Lordship him about
That at last the filly Kime,
The proud Pope put him out,
So of this Realme is no doubt,
But Lords beware, and them defend,
For now these folks be wonders slout
The King and Lords now this amend

And in the next Stanza which begins the third part of the tale he argues that they ought not to bee Lords.

Moses Law forbode it tho
That Preists should no Lordships welde
Christs Gospell biddeth also,
That they should no Lordships held
Ne Christs Apostles were never so bold
No such Lordships to hem embrace
But smeren her Sheep, and keep her Fold.

And so forward. Whether the Bishops of England have deserved thus to bee fear'd by men so wise as our Chancer is esteem'd, and how agree-



able to our Monarchy, and Monarchstheir demesmour ha's been, he that is but meanly read in our
Chronicles needs not be instructed. Have they not
been as the Canaanites, and Philistims to this Kingdom? what Treasons, what revolts to the Pope,
what Rebellions, and those the basest, and most
preten selesse have they not been chiefe in? What
could Monarchy think when Becket durst challenge
the custody of Roschester-Castle, and the Tower of
London, as appertaining to his Signory? To omit
his other insolencies and affronts to Regall Majestie, till the Lashes inslicted on the anointed
body of the King washt off the holy Unstion with
his blood drawn by the polluted hands of Bishops,
Abbots, and Monks.

What good upholders of Royalty were the Bishops, when by their rebellious opposition against King John, Normandy was loft, he himselfe depos'd, and this Kingdom made over to the Pape? When the Bishop of winchester durft tell the Nobles, the Pillars of the Realme, that there were no Pecres in England, as in France, but that the King might doe what hee pleas'd. What could Tyranny say more? it would bee petty now if I should insist upon the rendring up of Tourney by woolseyes Treason, the Excommunications, Curfings, and Interdids upon the whole Land. For haply I shall be cut off short by a reply, that these were the faults of the men, and their Popish errors, not of Episcopacie, that hath now renounc't the Pope, and is a Protestant. Yes fure; as wife

and

and famous men have suspected, and fear'd the Protestant Episcoparie in England, as those that

have fear'd the Papall.

You know Sir what was the judgement of Padre Paolo the great Venetian Antagonist of the Pope, for it is extant in the hands of many men, whereby he declares his feare, that when the Hierarchy of England (hall light into the hands of bufie and audacious men, or shall meet with Princes tradable to the Prelacy, then much mischiefe is like to ensue. And can it bee neerer hand, then when Bishops shall openly affirme that, No Bishop, no King ? a trimme Paradox, and that yee may know where they have beene a begging for it, I will fetch you the Twin-brother to it out of the Jefuites Cell; they feeling the Axe of Gods reformation hewing at the old and hollow trunk of Papacie, and finding the Spaniard their fureft friend, and fafeft refuge, to footh him up in his dreame of a fift Monarchy, and withall to uphold the decrepit Papalty have invented this fuper-politick Aphorisme, as one termes it, One Pope, and one King.

Surely there is not any Prince in Christendome, who hearing this rare Sophistry can choose but smile, and if we be not blind at home we may as well perceive that this worthy Motto, No Bishop, no King is of the same batch, and infanted out of the same feares, a meere ague-cake coagulated of a certaine Fever they have, presaging their time to be but short: and now like those that are fink-

ing, they catch round at that which is likeliest to hold them up. And would perswade Regall Power, that if they dive, he must after. But what greater debasement can there be to Royall Dignity, whose towring, and stedfast heighth rests upon the unmovable soundations of Justice, and Heroick vertue, then to chaine it in a dependance of subsisting, or ruining to the painted Battlements, and gaudy rottennesse of Prelatrie, which want but one pusse of the Kings to blow them down like a past bord House built of Court-Cards. Sir the little adoe, which me thinks I find in untacking these pleasant Sophismes, puts mee into the mood to tell you at ale ere I proceed further; and Menenius Agrippa speedus.

A Tale.

Upon a time the Body summon'd all the Members to meet in the Guild for the common good (as A fops Chronicles averre many stranger Accidents) the head by right takes the first seat, and next to it a huge and monstrous Wen little lesse then the Head it selfe, growing to it by a narrower excrescency. The members amaz'd began to aske one another what hee was that took place next their cheif; none could resolve. Whereat the Wen, though unweildy, with much adoe gers up and bespeaks the Assembly to this purpose. That as in place he was second to the head, fo by due of merit; that he was to it an ornament, and strength, and of speciall neere relation, and that if the head thould faile, none were fitter then himselse to step into his place; therefore hee thought

thought it for the honour of the Body, that fuch dignities and rich indowments should be decreed him, as did adorne, and fet out the noblest Members. To this was answer'd, that it should bee consulted. Then was a wise and learned Philosopher fent for, that knew all the Charters, Lawes, and Tenures of the Body. On him it is impos'd by all, as cheife Committee to examine, and difcusse the claime and Petition of right put in by the Wen; who soone perceiving the matter, and wondring at the boldnesse of such a swolne Tumor, Wilt thou (quoth he) that art but a bottle of vitious and harden'd excrements, contend with the lawfull and free-borne members, whose certaine number is set by ancient, and unrepealable Statute? head thou art none, though thou receive this huge substance from it, what office bearst thou? What good canst thoushew by thee done to the Common-weale? the Wen not easily dash't replies, that his Office was his glory, for fo oft as the foule would retire out of the head from over the steaming vapours of the lower parts to Divine Contemplation, with him shee found the pureft, and quieteft retreat, as being most remote from soile, and disturbance. Lourdan, quoth the Philosopher, thy folly is as great as thy filth; know that all the faculties of the Soule are confin'd of old to their feverall veffels, and venericles from which they cannot part without dissolution of the whole Body; and that thou . containst no good thing in thee, but a heape of



hard, and loathsome uncleannes, and art to the head a foul disfigurment and burden, when I have cut thee off, and open'd thee, as by the help of these implements I will doe, all men shall see.

But to return, whence was digres't, seeing that the throne of a King, as the wife K. Salomon often remembers us, is establisht in Justice, which is the universall Juftice that Aristoile so much praises, containing in it all other vertues, it may affure us that the fall of Prelacy, who fe actions are fo farre diftant from Justice, cannot shake the least fringe that borders the royal canopy: but that their flanding doth continually oppose, and lay bartery to regal fafety, shall by that which follows easily appear. Amongst many secondary, and accessory causes that support Monarchy, these are not of least reckning, though common to all other States: the love of the Subjects, the multitude, and valor of the people, and store of treafure. In all these things hath the Kingdome bin. of lare fore weak'nd, and chiefly by the Prelates. First let any man consider, that if any Prince shall fuffer under him a commission of autority to be exerciz'd, till all the Land grone, and cry out, as against a whippe of Scorpions, whether this be nor likely to lessen, and keel the affections of the Subject. Next what numbers of faithfull, and freeborn Englishmen, and good Christians have bin conftrain'd to forfake their dearest home, their friends, and kindred, whom nothing but the wide Ocean, and the favage deferts of Ame-

rica could hide and shelter from the fury of the Bishops. O Sir, if we could but see the shape of our deare Mother England, as Poets are wont to give a personal form to what they please, how would the appeare, think ye, but in a mourning weed, with afthes upon her head, and teares abundantly flowing from hereyes, to behold so many ofher children expos'dat once, and thrust from things of dearest necessity, because their conscience could not affent to things which the Bishops thought indifferent. What more binding then Conscience? what more free then indifferency? cruel then must that indifferency needs be, that shall violate the strict necessity of Conscience. merciles, and inhumane that free choyle, and liberty that shall break asunder the bonds of Religion. Let the Aftrologer be dismay'd at the portentous blaze of comets, and impressions in the aire as foretelling troubles and changes to frates: I shall beleeve there cannot be a more illboding figne to a Nation (God turne the Omen from us) then when the Inhabitants, to avoid infufferable grievances at home, are inforc'd by heaps to forfake their native Country. Now wheras the only remedy, and amends against the depopulation, and thinnesse of a Land within, is the borrow'd strength of firme alliance from without, these Priestly policies of theirs having thus exhausted our domestick forces, have gone the way also to leave us as naked of our firmeft, & faithfullest neighbours abroad, by disparaging,



and alienating from us all Protestant Princes, and Common-wealths, who are not ignorant that our Prelats, and as many as they can infect, ac. count them no better then a fort of facrilegious. and puritanical Rebels, preferring the Spaniard our deadly enemy before them, and fet all orthodox writers at nought in comparison of the Jefuits, who are indeed the onely corrupters of youth, and good learning; and I have heard many wise, and learned men in Italy say as much. It cannot be that the strongest knot of confederacy should not dayly slak'n, when Religion which is the chiefe ingagement of our league shall be turn'd to their reproach. Hence it is that the prosperous, and prudent states of the united Provinces, whom we ought to love, if not for themfelves, yet for our own good work in them, they having bin in a manner planted, and erected by us, and having bin fince to us the faithfull watchmen, and discoverers of many a Popish, and Auftrian complotted Treason, and with us the partners of many a bloody, and victorious battell, whom the similitude of manners and language, the commodity of traffick, which founded the old Burgundian league betwixt us, but chiefly Religion should bind to us immortally, even such friends as these, out of some principles instill'd into us by the Prelates, have bin often difmift with diftaftfull answers, and somtimes unfriendly actions: nor is it to be consider'd to the breach of confederate Nations whose mutual interestis at

of such high consequence, though their Merchants bicker in the East Indies, neither is it fafe, or warie, or indeed Christianly, that the French King, of a different Faith, should afford our neerest Allyes as good protection as we. Sir, I perswade my selfe, if our zeale to true Religion. and the brotherly usage of our truest friends were as notorious to the world, as our Prelatical Schifm, and captivity to Rotchet Apothegmes, we had ere this seene our old Conquerours, and afterward Liege-men the Normans, together with the Brittains our proper Colony, and all the Gascoins that are the rightfull Dowry of our ancient Kings, come with cap, and knee, defiring the shadow of the English Scepter to defend them from the hot persecutions and taxes of the French. But when they come hither, and see a Tympany of Spanioliz'd Bishops swaggering in the fore-top of the State, and moddling to turne, and dandle the Royall Ball with unskilfull and Pedantick palmes, no marvell though they think it as nn fafe to commit Religion, and liberty to their arbitrating as to a Synagogue of lesuites.

But what doe I stand reck ning upon advantages, and gaines lost by the mistrule, and turbulency of the Prelais, what doe I pick up so thristily their scatterings and diminishings of the meaner Subject, whilst they by their sedicious practifes have indanget'd to loose the King one third of his main Stock; what have they not done to banish him from his owne Native Country? but to

speake

speake of this as it ought would ask a Volume by it selfe.

Thus as they have unpeopl'd the Kingdome by expulsion of so many thousands, as they have endeavor'd to lay the skirts of it bare by disheartning and dishonouring our loyallest Confederates abroad, fo have they hamstrung the valour of the Subject by seeking to effeminate us all at home. Well knows every wife Nation that their Liberty confifts in manly and honest labours, in sobriety and rigorous honour to the Marriage Bed, which in both Sexes should be bred up from chast hopes to loyall Enjoyments; and when the people flacken, and fall to loofenes, and riot, then doe they as much as if they laid downe their necks for some wily Tyrant to get up and ride. Thus learnt Cyrus to tame the Lydians, whom by Armes he could not, whilst they kept themselves from Luxury; with one easy Proclamation to set up Stews, dancing, feafting, & dicing he made them soone his slaves. I know not what drift the Prelais had, whose Brokers they were to prepare, and supple us either for a Forreigne Invasion or Domestick oppression; but this I am sure they took the ready way to despoile us both of manhood and grace at once, and that in the shamefullest and ungodliest manner upon that day which Gods Law, and even our own reason hath consecrated, that we might have one day at least of seven set apart wherein to examin and encrease our knowledge of God, to meditate, and commune of our Faith,

Faith, our Hope, our eternall City in Heaven, and to quick'n, withall, the study, and exercise of Charity; at such a time that men should bee pluck't from their soberest and saddest thoughts. and by Bishops the pretended Fathers of the Church instigated by publique Edict, and with earnest indeavour push't forward to gaming, jigging, wasfailing, and mixt dancing is a horror to think. Thus did the Reprobate hireling Preist Balaam feeke to subdue the Israelites to Moab, if not by force, then by this divellish Pollicy, to draw them from the Sanduary of God to the Inxurious, and ribald feasts of Baal-peor. Thus have they trespas't not onely against the Monarchy of England, but of Heaven also, as others, I doubt not, can profecute against them.

I proceed within my own bounds to shew you next what good Agents they are about the Revennues and Riches of the Kingdome, which declares of what moment they are to Monarchy, or what availe. Two Leeches they have that still fuck, and fuck the Kingdome, their Ceremonies, and their Courts. If any man will contend that Ceremonies bee lawfull under the Gospell, hee may bee answer'd otherwhere. This doubtleffe that they ought to bee many and over-costly, no true Protestant will affirme. Now I appeale to all wife men, what an excessive wast of Treasury hath beene within these few yeares in this Land not in the expedient, but in the Idolatrous ereaion of Temples beautified exquisitely to out-vie the.



the Papifts, the coftly and deare-bought Scandals, and snares of Images, Pictures, rich Coaps, gorgeous Altar-clothes : and by the courses they tooke, and the opinions they held, it was not like. ly any stay would be, or any end of their madnes, where a pious pretext is fo ready at hand to cover their insattate desires. What can we suppose this will come to? What other marerials then these have built up the spirituall BABEL to the heighth of her Abominations? Beleeve it Sir right truly it may be faid, that Antichrift is Mammens Son. The foure levin of humane Traditions mixt in one patrifi'd Maffe with the poilsnons dregs of hypocrific in the hearts of Prelates that lye basking in the Sunny warmth of Wealth, and Promotion, is the Serpents Egge that will hatch an Antichrist wherefoever, and ingender the same Monster as big, or little as the Lump is which breeds him. If the splendor of Gold and Silver begin to Lord it once againe in the Church of England, wee shall see Amichrist shortly wallow heere, though his cheife Kennell be at Rome. If they had one thought upon Gods glory and the advancement of Christian Faith, they would be a meanes that with these expences thus profusely throwne away in trash, rather Churches and Schools might be built, where they cry out for want, and more added where too few are:a moderate maintenance distributed to every painfull Minister, that now scarfe sustaines his Family with Bread, while the Prelats revell like Bellhazzar

Belsbazzar with their full carouses in Gobles, and vessels of gold snatcht from Gods Temple. Which (I hope) the Worthy Men of our Land will consider. Now then for their Cov RTs. What a Masse of Money is drawne from the Veines into the Ulcers of the Kingdome this way; their Extortions, their open Corruptions, the multitude of hungry and ravenous Harpies that swarme about their Offices declare sufficiently. And what though all this go not oversea? twere better it did: better a penurious Kingdom, then where excessive wealth slowes into the gracel-se and injurious hands of common sponges to the impoverishing of good and loyall men, and that by such execrable, such irreligious courses.

If the facred and dreadfull works of holy Difcipline, Cenfure, Pennance, Excommunication, and Absolution, where no prophane thing ought to have accesse, nothing to be affistant but fage and Christianly Admonition, brotherly Love, flaming Charny, and Zeale; and then according to the Effects, Paternall Sorrow, or Paternall Joy, milde Severity, melting Compassion, if fach Divine Minifteries as thefe, wherin the Angel of the Church represents the Person of Christ Jesus, must lie prostitute to fordid Fees, and not passe to and fro betweene our Saviour that of free grace redeem'd us, and the submissive Penitent, without the truccage of periffing Coine, and the Burcherly execution of Tormentors, Rooks, and Rakehames fold to lucre, then have the Babilonilh Mer-



Marchants of Soules just excuse. Hitherto Sir you have heard how the Prelates have weaken'd and withdrawne the external Accomplishments of Kingly prosperity, the love of the People, their multitude, their valour, their wealth; mining, and sapping the out-works, and redoubts of Mozarchy; now heare how they strike at the very

heart, and vitals.

We know that Monarchy is made up of two parts, the Liberty of the subject, and the supremacie of the King. I begin at the root. See what gentle, and benigne Fathers they have beene to our liberty. Their trade being, by the same Alchymy that the Pope uses, to extract heaps of gold, and filver out of the droffie Bullion of the Peoples finnes, and justly fearing that the quick-fighted Protestants eye clear'd in great part from the mist of Superstition, may at one time or other looke with a good judgement into these their deceitfull Pedleries, to gaine as many affociats of guiltines as they can, and to infect the temporall Magiftrate with the like lawlesse though not facrilegious extortion, fee a while what they doe; they ingage themselves to preach, and perswade an affertion for truth the most falle, and to this Monarchy the most pernicious and destructive that could bee chosen. What more banefull to Monarchy then a Popular Commotion, for the dislolution of Monarchy flides apteft into a Democraty; and what stirs the Englishmen, as our wisest writers have observ'd, sooner to rebellion, then violent

lent, and heavy hands upon their goods and purfes? Yet these devout Prelater, spight of our great Charter, and the foules of our Progenitors that wrested their liberties out of the Norman gripe with their dearest blood and highest prowesse, for these many years have not ceas't in their Pulpits wrinching, and fpraining the text, to fet at nought and trample under foot all the most facred, and life blood Lawes, Statutes, and Acts of Parliament that are the holy Cov'nant of Union, and Marriage betweene the King and his Realme, by proscribing, and confiscating from us all the right we have to our owne bodies, goods and liberties. What is this, but to blow a trumpet, and proclaime a fire-croffe to a hereditary, and perpetuall civill warre. Thus much against the Subjects Liberty hath been affaulted by them. Now how they have spar'd Supremacie, or likely are heres after to submit to it remaines lastly to bee conevagainfi drunken Prailis? The cause of b'rabil

The emulation that under the old Law was in the King toward the Preist, is now so come about in the Gospell, that all the danger is cobe fear'd from the Preist to the King. Whilsthe Preist Office in the Law was set out with an exteriour lustre of Pomp and glory, Kings were ambitious to be Preist; now Priests not perceiving the heavenly brightnesse, and inward spleador of their more glorious Evangelick Ministery with as great ambition affect to be Kings; as in all their courses is easie to be observed. Their eyes over imminent upon



upon worldly matters, their defires ever think ing after worldly employments, in flead of diligent and fervent ftudie in the Bible, they cover to be expert in Canons, and Decretals, which may inable them to judge, and interpole in temporall Causes, however pretended Ecolefialticall. Doe they not hord up Pelfe, feeke to bee porent in fecular Strength, in State Affaires, in Lands, Lardships, and Demeanes, to sway and carry all before them in high Course, and Privie Counfels, to bring into their grasp, the bigh, and principall Offices of the Kingdom? have they not been bold of late to check the Common Law, to flight and brave the indiminishable Majestie of our highest Court the Law-giving and Sacred Fartiament? Doe they not plainly labour to exempt Churchmen from the Magistrate ? Yea, so presumptuonly as to question, and menace Officers that reprefent the Kings Perfor for using their Authority against drunken Preifts ? The cause of protething murderous Clergie-men was the first heartburning that swel'd up the audacious Becker to the petilent, and odious vexation of Henry the fecond. Nay more, have not some of their devored Schollers begun, I need not fay to nibble, but openly to argue against the Kings Supremacie? is not the Cheife of them acens'd out of his owne Booke, and his lave Canons to affect acertaine unquestionable Patriarchat, independent and uninbordinate to the Crowne? From whence hawing first brought us to a fervile Estate of Religion, and

and Manhood, and having predispos'd his conditions with the Popo, that layer claime to this Land, or some Pepin of his owne creating, it were all as likely for him to aspire to the Monarchy among us, as that the Pope could finde meaners so on the sudden both to be reave the Emperour of the Roman Territory with the favour of Italy, and by an unexpected friend out of France, while he was in danger to lose his new-got Parchase, beyond hope to leap in to the faire Exarchas of Ravenna.

A good while the Pope futtly atted the Lamb. writing to the Emperour, my Lord Tiberius, my Lord Mauritim, but no sooner did this his Lord pluck at the Images, and Idols, but hee threw off his Sheepes clothing, and started up a Wolfe, laying his pawes upon the Emperours right, as forfeited to Peter. Why may not wee as well, having been forewarn'd at home by our renowned Chaucer, and from abroad by the great and learned Padre Paulo, from the like beginnings, as we fee they are, feare the like events? Certainly a wife, and provident King ought to suspect a Hierarchyin his Realme, being ever attended, as it is, with two fuch greedy Purveyers, Ambition and Usurpation, Iday her ought to suspect a Mierarchy to bee as dangerous and derogatory from his Crown as a Terrareby of a Heplarchy. Yet now that the Prelater had almost actain'd to what their infolent, and unbridl'd minds had harried them; to thrust the Lairse under the despoticall rule of the Monarch, that they thumselves might confine K 2



fine the Monarch to a kind of Pupillage under their Hierarchy, observe but how their own Trinciples combat one another, and supplant each one his fellow.

Having fitted us only for peace, and that a fervile peace, by lessening our numbers, dreining our estates, enseebling our bodies, cowing our free spirits by those wayes as you have heard, their impotent actions cannot sustaine themselves the least moment, unlesse they rouze us up to a warre sit for Cain to be the Leader of; an abborred, a cursed, a Fraternall warre. England and Scotland Christ must be set to wade in one anothers blood; and I Reland our free Denizon upon the back of us both, as occasion should serve: a piece of Service that the Pope and all his Factors have beene compassing to doe ever since the Reformation.

But ever-blessed be he, and ever gloris'd that from his high watch-Tower in the Heav'ns discerning the crooked wayes of perverse, and cruell men, hath hitherto main'd, and insatuated all their damnable inventions, and deinded their great Wizzards with a delusion fit for spoles and children: had God beene so minded hee could have sent a Spirit of Musiny amongst us, as hee did betweene Abimilech and the Sechemites, to have made our Funerals and slaine heaps more in number then the miserable surviving remnant, but he, when wee least deservid, sent out a gentle

gale,

gale, and message of peace from the wings of those his Cherubins, that fange his Mercy-fear. Nor thall the misdome, the moderation, the Christian Pietie, the Constancy of our Nobility and Commons of England be ever forgotten, whose calme, andtemperat connivence could fit ftill, and fmile out the ftormy blufter of men more audacious, and precipitant, then of folid and deep reach, till their own fury had run it selfe out of breath affailing, by rash and heady approches, the impregnable fituation of our Liberty and fafety, that laught fuch weake engingy to scorne, such poore drifts to make a Nationaltwarre of a Surplice Brabble, a Tippet-scuffle, and ingage the unattainted Honour of English Knighthood, to unfurle the Areaming Red Croffe, or to reare the horrid Standard of those fatall guly Dragons for so unworthy a purpose, as to force upon their Fellow-Subjects, that which themselves are weary of the Skeleron of a Masse-Booke. Nor must the Parience, the formude, the firme Obedience of the Nobles and People of Scotland striving against manifold Provocations, nor must their sincere and moderate proceedings hitherro, be unremember'd, to the hamefull Conviction of all their Detractors.

Goe on both hand in hand O NATIONS never to be distincted, be the Praise and the Heroick Song of all POSTERITY; merit this, but seeke onely Verine, not to extend your Limits; for what needs? to win a fading triumphant Lamrell out of the seares of wresched Men, but to settle K3

the pure worship of God in his Church, and justice in the State. then shall the hardest difficulties smooth out themselves before ye; envie shall sink to hell, crast and malice be consounded, whether it be homebred mischeif, or outlandish cunning yea all other Nations will then cover to serve ye, for Lordship and victory are but the pages of justice and vertue. Commit securely to true misdome the vanquishing and uncasing of crast and succlerie, which are but her two runnagates; joyn your invincible might to doe worthy, and Godlike deeds, and then he that seeks to break your union, a cleaving curse be his inheritance to

all generations.

Sir, you have now at length this question for the time, and as my memory would belt lerve me in such a copious, and vast theme, fully handl'd, and you your felfe may judge whether Prelacy be the only Church-goverment agreeable to MONARCHY. Seeing therfore the perillous, and confused estate into which we are falm, and that to the certain knowledge of all men through the irreligious pride and hatefull Tyranny of Prelats (as the innumerable, and grievous complaints of every thire cry out) if we will now resolve to settle affairs either according to pure Religion, or found Policy, we must first of all begin roundly to cashier, and cut away from the publick body the noyfom, and difeafed tumor of Prelacie, and come from Schifme to wany with our neighbour Reformed fifter Churches, which

which with the bleffing of peace and pure doffrine have now long time flourish'd; and doubtles with all hearty joy, and graculation, will meet, and welcome our Christian union with them, as they have binall this while griev'd at our ftrangenes and little better then separation from them. And for the Discipline propounded, seeing that it hath bin inevitably prov'd that the natural, and fundamental causes of political happines in all governments are the same, and that this Church Discipline is taught in the Word of God, and, as we fee, agrees according to with with all fuch frates as have received it, we may infallibly affure our selvs that it will as wel agree with Monarchy, though all the Tribe of Aphorsfiners, and Politicafters would perswade us there be secret, and milterious reasons against it. For upon the feeling hereof mark what nourishing and cordial restorements to the State will follow, the Minifters of the Gospel attending only to the work of falvation every one within his limited charge, befides the diffusive bleffings of God upon all our actions, the King shall he without an old disturber, a dayly incroacher, and introder thall ridde his Kingdome of a ftrong fequefter'd, and collateral power; a confronting miter, whole potent wealth, and wakefull ambition he had just cause to hold in jealoufie : not to repeat the other present eville which only their removal will remove. And because things simply pure are inconfiftent in the maffe of nature nor are the elements



or humors in Mans Body exactly homogeneall, and hence the best founded Common-wealths, and least barbarous have aym'd at a certaine mixture and temperament, partaking the severall vertues of each other State, that each part drawing to it selfe may keep up a steddy, and eev'n uprightnesse

in common.

There is no Civill Government that hath beene known, no not the Spartan, not the Roman, though both for this respect so much prais'd by the wife Polybius, more divinely and harmoniously run'd. more equally ballanc'd as it were by the hand and scale of Justice, then is the Common-wealth of England: where under a free, and untutor'd Menarch, the nobleft, worthieft, and most prudent men, with full approbation, and suffrage of the People have in their power the supreame, and finall determination of highest Affaires. Now if Conformity of Church Discipline to the Civill be fo defir'd, there can be nothing more parallel, more uniform, then when under the Soveraigne Prince Christs Vicegerent using the Scepter of David, according to Gods Law, the godlieft, the mifeft, the learnedest Ministers in their severall charges have the instructing and disciplining of Gods people by whose full and free Election they are confecrated to that holy and equall Ariftecracy. And why should not the Piery, and Conscience of Em glishmen as members of the Church be trusted in the Election of Pastors to Functions that nothing concerne a Monarch, as well as their worldly wisedomes

wisedomes are priviledg'd as members of the State in fuffraging their Knights, and Burgeffes to matters that concern him neerely? And if in weighing these severall Offices, their difference in time and qualitie be cast in, I know they will not turn the beame of equall Judgement the moity of a scruple. Wee therfore having already a kind of Apostolicall, and ancient Church Election in our State, what a perverinesse would it be in us of all others to retain forcibly a kind of imperious, and frately Election in our Church? And what a blindnesse to thinke that what is already Evangelically as it were by a happy chance in our Polatie, should be repugnant to that which is the same by divine commandinthe Ministery? Thus then wee see that our Ecclesiall, and Politicall choyses may consent and fort as well together without any rupture in the STATE, as Christians, and Freeholders. But as for honour, that ought indeed to be different, and diftind as either Office looks a severall way, the Minister whose Calling and end is spirituall, ought to be honour'd as a Father and Physician to the Soule (if he be found to be fo) with a Son-like and Disciple-like reverence, which is indeed the dearest, and most affectionate honour, most to be desir'd by a wife man, and such as will easily command a free and plentifull provision of outward necessaries, without his forder care of this world.

The Magistrate whose Charge is to see to our Persons, and Estates, is to bee honour'd with a more



more elaborate and personal Courtship, with large Salaries and Stipends, that hee himselfe may abound in those things whereof his legal justice and watchfull care gives us the quiet enjoyment. And this distinction of Honour will bring forth a seemly and gracefull Uniformity

over all the Kingdome.

Then shall the Nobles possessed all the Dignities and Offices of temporall honour to themselves, sole Lords without the improper mixture of Scholastick, and pusillanimous upstarts, the Parliament shall void her Upper House of the same annoyances, the Common, and Civill Lawes shall be both set free, the former from the controlle, the other from the meere vassage and Copy hold.

of the Clergie.

And wheras temporall Lames rather punish men when they have transgress't, then form them to be such as should transgresse seldomest, weemay conceive great hopes through the showres of Divine Benediction, watering the unmolested and watchfull paines of the Ministery, that the whole Inheritance of God will grow up so straight and blamelesse, that the Civil Magistrate may with farre lesse toyle and difficulty, and far more east and delight steare the tall and goodly Vessel of the Common-wealth through all the gusts and tides of the Worlds mutability.

Here I might have ended, but that some Objections, which I have heard commonly flying about, presse mee to the endevour of an answere.

We

We must not run they say into sudden extreams. This is a fallacious Rule, unlesse understood only of the actions of Vertue about things indiffereat, for if it be found that those two extreames be Vice and Vertue, Fallbood and Truth, the greater extremity of Vertue and superlative Truth we runinto, the more vertuous, and the more wife wee become; and hee that flying from degenerate and traditionall corruption, feares to shoot himselfe too far into the meeting imbraces of a Divinely-warranted Reformation, had better not have run at all. And for the suddennesse it cannot be fear'd. Who should oppose it? The Papufts? They dare not. The Protestam's otherwise affected. They were mad. There is nothing will be remoov'd but what to them is profes'dly indifferent. The long affection which the People have borne toit, what for it felfe, what for the odiousnes of Prelairs, is evident : from the first years of Qu. Elizabeth, it hath fill beene more and more propounded, defir'd, and befeech'r, yea fometimes favourably forwarded by the Parliaments themselves. Yet if it were sudden & fwift. provided still it be from worse to better, certainly wee ought to hie us from will like a torrenr, and rid our selves of corrupt Discipline, as wee would hake fire our of our bolomes.

Speedy and vehement were the Reformations of all the good Kings of Juda, though the people had beene nuzzl'd in Idolatry never so long before; they fear doot the bug-bear danger, nor

the Lyon in the way that the fluggish and timerous Politician thinks he sees; no more did our Brethren of the Reformed Churches abroad; they ventur'd (God being their guide) out of rigid POPERY, into that which wee in mockery call precise Purnanisme, and yet wee see no inconvenience befell them.

Let us not dally with God when he offers us a full blessing, to take as much of it as wee think will serve our ends, and turne him back the rest upon his hands, lest in his anger he snatch all from us again. Next they alledge the antiquity of Episcopacy through all Ages. What it was in the Apostles time, that questionlesse it must be still and there in I trust the Ministers will be able to satisfie the Parliament. But if Episcopacie be taken for Prelacie, all the Ages they can deduce it through, will make it no more venerable then Papacie.

Most certaine it is (as all our Stories beare witenesse) that ever since their comming to the See of Canterbury for necre twelve hundred yeares, to speake of them in generall, they have beene in England to our Soules a sad and dolefull succession of illiterate and blind guides: to our purses, and goods a wastfull band of robbers, a perpetuall havock, and rapine: To our state a continual Hydra of mischiese, and molestation, the forge of discord and Rebellion: This is the Trophey of their Antiquity, and boasted Succession through so many Ages. And for those Prelat-Martyrs they glory of, they are to bee judg'd what they

were by the Gofpel, and not the Gofpel to be tried

by them.

And it is to be noted that if they were for Bithopricks and Ceremonies, it was in their profperitie, and fulnes of bread, but in their perfecution, which purifid them, and neer their death. which was their garland, they plainely diflik'd and condemn'd the Ceremonies, and threw away those Episcopall ornaments wherein they were instal'd, as foolish and detestable, for so the words of Ridley at his degradment, and his letter to Hoper expressly shew. Neither doth the Author of our Church History spare to record fadly the fall (for so he termes it) and infirmities of thele Martyrs; though we would deify them. And why should their Martyrdom more countnance corrupt doctrine, or discipline, then their subscriptions justify their Treason to the Royall blood of this Relimby diverting and intaling the right of the Crown from the true heires, to the houses of Northumberland and Suffolk, which had it tooke effect, this present King had in all likelyhood never fat on this Throne, and the happy union of this Iland had bin fruttrated.

Lastly, whereas they adde that some the learnedest of the reformed abroad admire our Episcopacy, it had bin more for the strength of the Argument to tell us that som of the wisest Statesmen admire it, for thereby we might guesse them weary of the present discipline, as offensive to their State, which is the bugge we feare; but being



ing they are Church-men, we may rather suspect them for some Prelatizing-fries that admire our Bishopricks, not Episcopaty. The next objection vanishes of it selfe, propounding a doubt, whether a greater inconvenience would not grow from the corruption of any other discipline, then from that of Episcopacy. This seemes an nufeasonable forefight, and out of order to deferre. and put off the most needfull constitution of one right discipline, while we stand ballancing the discommodity's of two corrupt ones. First constiture that which is right, and of it selfe it will discover, and rectify that which swervs, and easily remedy the precended feare of having a Pope in every Parish, unlesse we call the zealous and meek censure of the Church, a Popedom, which who fo does let him advise how he can reject the Paftorly Red, and Sheep-hooke of CHRIST, and those cords of love; and not feare to fall under the iron Scepter of his anger that will dashhim to peeces like a Porsherd.

At another doubt of theirs I wonder; whether this discipline which we desire, be such as can be put in practise within this Kingdom, they say it cannot stand with the common Law, nor with the Kings safety; the government of Episcopacy, is now so weav'd into the common Law! In Gods name set it weave out againe; set not humain quillets keep back divine authority. Tis not the common Law, nor the civil, but piety, and justice, that are our soundresses they stoop

not, neither change colour for Arifocraty, democray, or Monarchy, nor yet at all incerrapt their just courses, but farre above the taking notice of these inferior niceties with perfed sympathy, where ever they meet, kiffe each other. Laftly. they are fearfull that the discipline which will fucceed cannor frand with the Ks. fafety. Wherefore? it is but Episcopacy reduc't to what it should be, were it not that the Tyranny of Frelates under the name of Bifbops hath made our cares tender, and startling, we might call every good Minister a Bishop, as every Bishop, yea the Apostles themfelves are call'd Ministers, and the Angels ministring Spirits, and the Ministers againe America But wherein is this propounded government fo shrewd? Because the government of assemblies will succeed. Did not the Apostles govern the Church by affemblies, how thould it elfe be Catholik, how frould it have Communion? Wee: count it Sacrilege to take from the rich Prelates their Lands, and revenu's which is Sacrilege in them to keep, using them as they doe, and can we think it fafe to defrande the living Church of God of that right which God has given her in affemblies! O but the confequence : Affemblies draw to them the Supremacy of Ecclefiafticall jurisdiction. No furely, they draw no Supremacy, bur that authority which CHRIST, and Saine Paul in his name conferrs upon them? The K. may fill retain the fame Supremacy in the Assemblies, as in the Parliament, here hecem do



do nothing alone against the common Law, and there neither alone, nor with consent against the Scriptures. But is this all? No, this Ecclesiasticall Supremacy draws to it the power to excommunicate Kings; and then followes the worst that can be imagin'd. Doe they hope to avoyd this by keeping Prelates that have so often don it? Not to exemplifie the malapert insolence of our owne Bishops in this kind towards our Kings: I shall turn back to the Primitive, and pure times, which the objecters would have the rule of reformation to us.

Not an affembly, but one Bishop alone, Saint AMBROSE of Millan, held Theodofism the most Christian Emperor under excommunication above eight moneths together, drove him from the Church in the presence of his Nobles, which the good Emperor bore with heroick humility.) and never ceas't by prayers, and teares, till he was absolv'd, for which coming to the Bishop with Supplication into the Salutatory, fome out Porch of the Church, he was charg'd by him of tyrannicall madnes against GoD, for comming into holy ground. At last upon conditionsabfolv'd, and after great humiliation approaching to the Altar to offer (as those thrise pure times then thought meet) he had scarse with-drawne his hand, and flood awhile, when a bold Arch-deacon comes in the Bishops name, and chaces him from within the railes telling him peremptorily that the place wherein he stood, was for none

but the Priefts to enter, or to touch : and this is another peece of pure Primitive Divinity. Thinke yee then our Bishops will forgoe the power of excommunication on whomfoever? No certainly, unlesse to compasse sinister ends, and then revoke when they fee their time. And yet this most mild. though withall dredfull, and inviolable Prerogative of Christs diadem excommunication servs for nothing with them, but to prog, and pandar for fees, or to display their pride and sharpen their revenge, debarring men the protection of the Law, and I remember not whether in some cases it bereave not men all right to their worldly goods, and Inheritances besides the deniall of Christian buriall. But in the Evangelical, and reformed use of this facred censure, no such prostitution, no fuch Heariotical drifts are to be doubted, as that Spiriuall doom, and sentence, should invade worldly possession, which is the rightfull lot and portion, even of the wicke deft men, as frankly bestow'd upon them by the al-dispensing bounty, as rain, and Sun-Sbine. No, no, it seekes not to bereave or destroy the body, it seekes to faue the Soule by humbling the body, not by Imprisonment, or pecuniary mulet, much lesse by stripes or bonds, or disinheritance, but by Fatherly admonishment, and Christian rebuke, to * cast it into godly forrow, whose end is joy, and ingennous balhfulnesse to sin : if that can not be wrought, then as a tender Mother takes her Child and holds it over the pit with fearring words



words, that it may learne to feare, where danger is, fo doth excommunication as deerly, and as freely without money, use her wholsome and faving terrors, the is inftant, the befeeches, by all the deere, and sweet promises of SALVATION fhe entices and woos, by all the threatnings. and thunders of the Law, and rejected Goffel the charges, and adjures; this is all her Armory. her munition', her Artillery, then the awaites with long-sufferance, and yet ardent zeale. In briefe, there is no act in all the errand of Gods Ministers to man-kind, wherein passes more loverlike contestation betweene CHRIST and the Soule of a regenerate man lapfing, then before, and in, and after the sentence of Excommy nication. As for the fogging prodorage of money, with fuch an eye as strooke Gebezi with Leprofy, and Simon Magus with a curfe, fo does the looke, and so threaten her firy whip against that banking den of theeves that dare thus baffle, and buy and fell the awfull, and majestick wrincles of her brow. He that is rightly and apostolically sped with her invisible arrow, if he ca be ar peace in his Soule, and not smel within him the brimstone of Hell, may have faire leave to rell all his baggs over undiminish's of the least farding, may eat his dainties, drinke his wine, use his delights, enjoy his Lands, and liberties, not the least skin rais'd, not the least haire misplac't for all that excommunication has done: much more may a King injoy his rights, and Prerogatives undeflour'd 0-

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flowr'd, untouch'd, and be as absolute, and compleat a King, as all his royalties and revenu's can make him. And therefore little did Theodofiss fear a plot upon his Empire when he stood excommunicat by Saint Ambrofe, though it were done either with much hauty pride, or ignorant zeale. But let us rather look upon the reformed Churches beyond the Teas, the Grizons, the Sui fes, the Hollanders, the French, that have a Supremacyto live under as well as we, where do the Churches in all these places strive for Supremacy, where do they clash and justle Supremacies with the Civil Magistrate? In France a more severe Monarchy then ours, the Protestants under this Church government carry the name of the best Subjects the King has; and yet Prefbytery, if it must be so call'd, does there all that it desires to doe: how easie were it, if there be such great suspicion, to give no more scope to it in England. But let us not for feare of a fearre-crow, or elfe through hatred to be reform'd ftand hankering and politizing, when GoD with spread hands testifies to us, and points us out the way to our peace.

Let us not be so overcredulous, unlesse God hath blinded us, as to trust our deer Soules into the hands of men that beg so devoutly for the pride, and gluttony of their owne backs, and bellies, that sue and sollicite so eagerly, not for the saving of Soules, the consideration of which can have heer no place at all, but for their Bishop-

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ricks

ricks, Deaneries, Prebends, and Chanonies thow can these men not be corrupt, whose very canse is the bribe of their own pleading, whose mouths cannot open without the ftrong breath, and loud ftench of avarice, Simony, and Sacrilege, emberling the treasury of the Church on painted and guilded walles of Temples wherein Go D heeh testified to have no delight, warming eneir Pa lace Kitchins, and from thence their undues and epicurean paunches, with the almes of the blind, the lame, the impotent, the aged, the enfan, the widow, for with thefe the treasury of CHRIST ought to be, here must be his jewels beflow'd, his rich Cabinet must be emptied heera as the conftant martyr Saint Laurence taught the Roman Prator. Sir would you know what the remonstrance of these men would have, what their Petition imply's? They intreate us that we would not be weary of those insupportable greevances that our shoulders have hitherto cracks under, they befrech us that we would think'em fit to be our Justices of peace, our Lords, our highest officers of State, though they come furnish't with no more experience then they learnt betweenethe Cook, and the manciple, or more pro foundly at the Colledge audit, or the regent house, or to come to their deepest insight, at their for trons Table; they would request us to indure still the russling of their Silken Cassocks, and thar we would burft our midriffes rather then laughto fee them under Sayl in all their Lawn, and Sarce

net, their throuds, and tackle, with a geometricall rhomboides upon their heads: they would bear us in hand that we must of ducy still appear before them once a year in Jerufalen like good circumcizd males, and Females cobe taxt by the ponl, so be fronte our head money a gar suppences in their Channerly Shop-book of Eafter. They pray us that it would please us to lot them still hale us, and worrey to with their band-dogs, and Porfivanta: and that it would please the Parliament that they may you have then whipping, deccing. and fleaing of us in cheir disbolical Course to tear the fielh from our bones, and into our wide wounds inflead of balm a re power in the oil of Tartar vistiol and mercury Sprelyanight seat fonable, innocent, and foft-hearted Perinion; O the releasing howels of the Fathers. Can this bee granted chem unleffe Go p have finiten us with freque from above, and with a darling giddirefferat seen days Should not thate men tather be heard than some to plead against their owne preferments I their worldly advancages, their owne abundance; for honour, and obedience to Gods wand the convertion of Soules the Christian pear of the Land, and union of the roformedical bolick Church, the mappropriating, and mamonopolizing the rewards of learning and industry, from the greate clurch of ignorance, and high feeding. Ne have wid already, & milerablusely what ambition mentily glory & impader at mealib sen do, what the boiltous's contradictional hand of



a remporall, earthly, and corporeall Spirithale can availe to the edifying of Christsholy Charele were it fuch a desperate hazard to put to the venture the universall Votes of Christs Congregation, the fellowly and friendly yoke of a teaching and laborious Ministery, the Pastorlike and A postolick imitation of meeke and unlordly Dif cipline, the gentle and benevolent mediocritie of Church-maintenance, without the ignoble Huesterage of pidling Tithes? Were it fuch an incurable mischiefe to make a little triall, what all this would doe to the flourishing and growing up of Christs mysticall body? As rather to use every poore shift, and if that serve not, to threaten uproare and combustion; and shake the brand of Civill Difcord reserved on heart sonni, sldanot

O Sir, I doe now feele my selfe inwrapt on the sodaine into those mazes and Labyrimhs of dreadfull and hideous thoughts, that which way to get out, or which way to end I know not, unlesse I turne mine eyes, and with your help lift up my hands to that Eternall and Propitious Throne, where nothing is readier then grace and refuge to the distresses of mortall Suppliants: and it were a shame to leave these serious thoughts lesse pionsly then the Heathen were wont to conclude their graver discourses.

Thou therefore that fits't in light & glory unapprochable, Parent of Angels and Men! next thee I implore Omnipotent King, Redeemer of that lost remnant whose nature thou didstassime,

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inestable and everlasting Love! And thou the third sublistence of Divine Infinitude, illumining Spirit, the joy and solace of created Things! one Tri-personall GODHEAD! looke upon this thy poore and almost spent, and expiring Church, leave her not thus a prey to thele importunate wolves. that wait and thinke long till they devoure thy tender Flock, these wilde Boares that have broke into thy Vineyard, and left the print of thir polluting hoofs on the Soules of thy Servants. O let them not bring about their damned designes that standnow at the entrance of the bottomlessepit expecting the Watch-word to open and let out those dreadfull Locusts and Scorpions, tore-involve us in that pitchy Cloud of infernall darknes, where we shall never more see the Sunne of thy Truth againe, never hope for the cheerfull dawne, never more heare the Bird of Morning fing. Be mov'd with pitty at the afflicted state of this our shaken Monarchy, that now lies labouring under her throwes, and struggling against the grudges of more dreaded Calamities.

Othou that after the impetuous rage of five bloody Inundations, and the succeeding Sword of intestine warre, soaking the Land in her owne gore, didst pirty the sad and ceases revolution of our swist and thick-comming sorrowes when wee were quite breathlesse, of thy free grace didst motion Peare, and termes of Covinant withus, & having first welpigh freedus from Anichristian thrasdome, didst build up this Bruannick Empire



to a glorious and enviable heighth with all her Daughter Hands about her, stay us in this selicitie, let not the obstinacy of our halse Obedience and will-Worship bring forth that Viper of Sedicion, that for these Fourescore Yeares hath been breeding to eat through the entrals of our Pears, but let her cast her Abortive Spawne without the danger of this travailling & throbbing Kingdome. That we may still remember in our solemne Thanksgivings, how for us the Northren Ocean even to the trozen Thuse was scatter'd with the proud Ship-wracks of the Spanish Armado, and the very may of Hell ransack't, and made to give up her conceal'd destruction, ere shee could vent it in that horrible and damned blast.

O how much more glorious will those former Deliverances appeare, when we shall know them not onely to have fav'd us from greatest miseries past, but to have reserv'd us for greatest happinesse to come. Hitherto thou hast but freed us, and that not fully, from the unjust and Tyrannous Claime of thy Foes, now unite us intirely, and appropriate us to thy selfe, tie us everlastingly in willing Homage to the Prerogative of thy eternall Throne.

And now weeknowe, O thou our most certain hope and defence, that thine enemies have been consulting all the Sorceries of the great where, and have joyn'd their Plots with that sad Intelligencing Tyrant that mischieses the World with his Mines of Opher, and lies thirsting to revenge

his

his Navall ruines that have larded our Seis; but let them all take Comfell together, and wer it come to nought, let them Decrety and doe thou Cancell it, let them gather themselves, and bee scarrer didentihem embassed themselves and bee broken, let them imbasted unand bedroken; so thou art with us. exists so the product of the state of the s

Then amidft the Hymen, and Hulleluinhs of Saints fome one may perhaps bee heard offering athigh fraincin new and lofty Weafines to fing and celebrate chy divine cateries pland musvelone Judgements in this Land throughout all AGES! whereby this great and Wartike Nation initrathed and inurid to the fervent and continual pra flice of Trub and Rightedo an lego and exiting fore from her the zaga in the rold vines may profe on hard to the high and hoppy emulation to be found the fobereft, miles, and most (briftian Beople at that day when thou the Evernall and shorely-expected King shalt open the Clouds to judge the severall Kingdomes of the World, and distributing Na. tional Honours and Rewards to Religious and just Common-wealths, shalt put an end to all Earthly Tyrannies, proclaiming thy universal and milde Monarchy through Heaven and Earth. Where they undoubtedly that by their Labours, Counsels, and Prayers have been earnest for the Common good of Religion and their Country, shall receive, above the inferiour Orders of the Bleffed, the Regall addition of Principalities, Legions, and Thrones into their glorious Tirles, and in supereminence

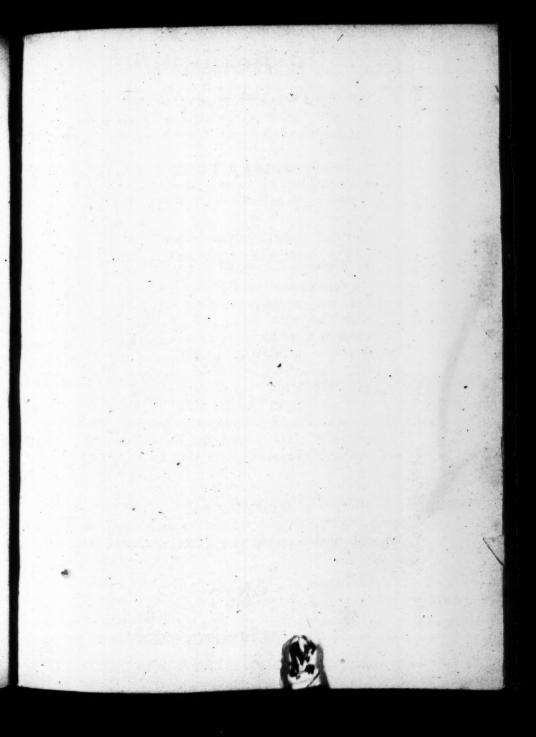


of bearifick Vision progressing the dateless and inrevoluble Circle of Everning (ball class inseparal ble Hands with joy, and blisse in over-measure for ever.

But they contrary that by the impairing and diminution of the trust Faith, the diffresses and servitude of their Countrey aspire to high Dignits, Rule and Promotion here, after a shamefull end in this Life (which God grant them) shall be thrown downe eternally into the darkest and deepest Guise of Hell, where under the despishfull controls, the trample and spurne of all the other Dammed, that in the anguish of their Torture shall have no other case then to exercise a Raving and Bestiall Tyramy over them as their Slaves and Negros, they shall remaine in that plight for ever, the bases, the lowermass, the most depelled, most underson and downe-cradden Vallats of Perdining.

The End.

and Properties both car on the comment reed of Religion and entire value by thall receive a bove the inferrence of the latter of the rated distances on the second comments.





ENGLISH PVRITANISME.

CONTAINING

The maine Opinions of

the rigidest sort of those that are called Puritans in the Realme of ENGLAND.

Writtenby WILLIAM AMES D. of Divinity.

ACTS 24. 14.

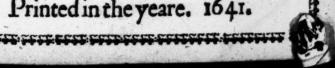
But this I confesse unto thee, that after the way (which they call Herefie) fo wor bip I the God of my Fathers, beleeving all things which are written in the Law and the Prophets.

ACTS 28. 22.

But we will heare of thee what thou thinkeft : for as concerning this Sett, we know that every where it is foken against.



Printed in the yeare. 1641.



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CONTAINING

The maine Opinions

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Sara A sa A S & Colombia VI

A C T S 24. 1 f.

But this Leaf Went to the chief the may (which
they call Heast's) fowerfully I the God of my Fathers,
believing all things which are mittee with Law and
the Prophets.

A C T S 28.22.

But mentil hears of thee what then thinked: for as one coming that Soil, we know that every new to the heart and



Printed in the gre, 1641.



To the Indifferent Reader.

T cannot be unknowne unto them that know any thing, that those Chistians in this Realme which are called by the odious and vile

name of Puritans, are accused by the Prelates to the Kings Majestie and the State, to maintaine many absurd, erronious, Schismatica's, and Hereticall opinions, concerning Religion, Church-government, and the Civil Magistracie. Which hath moved me to collect (as neare as fould, the chiefest of them, and to send them naked to the view of all men, that they may see what is the worst that the worst of them hold. It is not my part to prove and justifie them, Those that accuse and condemne them, must in all reason and equity prove their accusation, or else beare the name of unchristian slanderers.



To the indifferent Reader.

I am not ignorant that they lay other optnions (yea, some cleane contradictory to these) to the charge of these men, the fallbood whereof we shall (it is to be doubted have more and more occasion to detect. In the meane time all Enemies of Divine Truth shall finde, That to obscure the same with Calumniation and untruthes, is but to hide a Fire with dry Straw or Towe upon it. But thou mayest herein observes what a terrible Popedome and Primacy these riged Presbyterians desire. And with what painted Bug-beares and Scar-Crowes the Prelates goe about to fright the States of the Kingdome with all. Who will no doubt one day see how their wisedomes are abused.

Farewell.



ENGLISH PVRITANISME.

CHAP. I.

Concerning Religion or the worship of Godin
general.



M. P. R. I. M. I. S., They hold and maintaine, that the Word of God contained in the writings of the Prophets and Apostles, is of absolute persection, given by C. H. R. I. S. T. the head of the Church, to be unrothe same, the sole Canon and rule of all mar-

ters of Religion, and the worship and service of God what soever. And that what soever done in the same service and worship, cannot be justified by the said Word, is unlawfull. And therefore that it is a sin, to sorce any Christian to doe any act of Religion, or Divine Service, that cannot evidently be warranted by the same.

2 They hold, that all Ecclesiasticall actions invented and devised by man, are utterly to be exclu-A. 3. ded



ded out of the exercises of Religion? Especially such actions as are famous and notorious Mysteries of an Idolatrous Religion, and in doing where-of, the true Religion is conformed (whether in whole

or in part) to Idolatry and Superstition.

and fet apart to expresse and set forth the inward worship of God, are parts of Divine worship and that not onely all morall actions, but all typicall Rites and Figures, ordained to shadow forth in the solemne worship and service of God, any Spirituall or religious Act or habit in the minde of man, are speciall parts of the same, and therefore that every such Act ought evidently to be prescribed by the Word of God, or else ought not to be done? it being a sinne to performe any other worship to God, whether Externall or Internall, Morall or Ceremoniall, in whole or in part, then that which God himselfe requires in his Word.

They bold is to be groffe Superstition for any morrall man to institute and ordaine as parts of Divine worship, any mysticall Rite and Ceremony of Religion whatsoever, and to mingle the same with the Divine Rites and Mysteries of Gods Ordinance. But they hold it to be high presumption to institute and bring into Divine worship such Rites and Ceremonies of Religion, as are acknowledged to be no part of Divine worship at all, but onely of civill worship and honour: For they that shall require to have prformed unto themselves a ceremonial lobedience, service and worship, consisting in Rites of Religion to be done at that very instant that God is soleninely served and worshipped? and even

in the same worship make both themselves and God so an Idoll. So that they judge it a sarre more searefull sinne to adde unto, and to use in the worship and service of God, or any part thereof, such mysticall Rites and Ceremonies as they esteeme to be no parts or parcels of Gods worship at all: then such as in a vaine and ignorant Superstition, they imagine and conceive to be parts thereof.

They hold, that every Act or action appropriated and fer apart to Divine Service and Worship, whether Morall or Ceremonial, realt or typicall? ought to bring special honour unto God, and therfore that every such Act ought to be apparently commanded in the Word of God, either expressy.

or by necessary consequents

Ceremoniall appropriated to Religious or Spirituall persons, Functions, or Actions, either are or ought to be Religious and Spirituall. And therefore either are or ought to be instituted immediately by God, who alone is the Author and Institutor of all Religious and Spirituall actions, and things: whether Internall or Externall, Morall or Ceremoniall.



CHAP. II.

Concerning the Church,

They bold and maintaine, that every Company, Congregation, or Assembly of true believers



beleevers, joyning together according to the order of the Gospell, in the true Worship of God, is a true visible Church of Christ; and that the same Title is improperly attributed to any other Congregations, Synods, Societies, Combinations, or Assemblies whatsoever.

They hold, that all fuch Churches or Congregations, communicating after that manner together in Divine worship, are in all Ecclesiasticall matters equall, and of the same power and authority, and that by the Word and Will of God they ought to have the same Spirituall Priviledges, Prerogatives, Officers, Administrations, Orders, and

Formes of Divine worthip. // odred by much

any Church or Congregation of his, to any other Superiour Ecclefialticall Jurisdiction, then unto that which is within it selfe. So that if a whole Church or Congregation shall erre, in any matter of Faith or Religion, no other Churches or Spirituall Church-Officers have (by any warrant from the Word of God) power to censure, punish, or controule the same: but are onely to counsell or advise the same, and so to leave their Soules to the immediate judgement of Christ, and their bodies to the sword and power of the Civill Magistrate, who alone upon earth hath power to punish a whole Church or Congregation.

4 They hold, that every established Church or Congregation ought to have her owne Spirituall Officers and Ministers, resident with her, and these such as are joyned by Christ in the new Testament,

and no other.

ought (as a speciall prerogative wherewith she is endowed by Christ) to have power and liberty to elect and chuse their owne Spirituall and Ecclesiasticall Officers, and that is a greater wrong to have any such forced upon them against their wils, then if they should force upon men wives, or upon womens husbands, against their will and liking.

Ministers of one Church, ought not to beare any Ecclessaticall Officers and Ecclessaticall Office in another, neither as they are Officers in one Congregation, canthey officially administer in another, but ought to be tyed unto that Congregation of which they are members, and

by which they are elected into Office."

And they are not (without just cause, and such as may be approved by the Congregation, to for sake their Callings, wherein if the Congregation, shall be perverse, and will not hearken to reason. They are then to crave the affishance and helpe of the Civill Magistrare, who alone hath power, and who ought by his civil sword and authority, procure to all members of the Church, whether Governours or others, freedome from all manifest injuries and wrongs.

once made charle of their Spiritual Officers, unto whom they commit the Regiment of their foules, they ought not (without just cause, and that which is apparantly warrantable by the Word of God) to discharge, deprive, or depose them. But ought to live in all Canonical obedience and subjection

unto them agreeable to the Word of God.

8 : They hold, that the Lawes, Orders, and Ecclefiafticall Jurisdiction of the visible Churches of Christ, if they be lawfull and warrantable by the Word of God, are no wyaes repugnant to any civill. State what soever, whether Monarchicall, Aristociaticall, or Democraticall, but to tend to the further establishing and advancing of the right and prerogatives of all and every of them. And they renounce and abhorre from their foules all fuch Ecclefiafticall Jurifdiction or Policy, that is any wayes feron hant to any civill State what foever, whether Monar chicall, Aristocraticall, or Democraticall, but doe tend to the further establishing and advancing of the right and prerogatives of all and every of them. And they renounce and abhorre from their soules all fuch Ecclefiafticall Jurisdiction and Policy, that is any way repugnant and derogatory to any of them specially to the Monarchicall State, which they acknowledge to be the best kinde of Civill Government for this Kingdome.

9 They hold and beleeve, that the equality in Ecclefiafticall Jurisdiction and Authority, of Churches and Church-Ministers, is no more deregatory, and repugnant to the State and glory of a Monarch, then the parity of equality, of Schoolemasters, of severall Schooles, Captaines of severall Campes, Shopheards of severall stockes of sheep, or

Matters of feverall Families. it immor valit money

Yea, they hold the cleane contrary, that inequality, of Churches and Church-Officers in Ecclesialical Insidiction and Authority, was that principally that advanced Antichrist unto his throne, and brought the Kings and Princes of the earth, and

to fuch vaffalage under him, and that the Civill. Authority and glory of Secular Princes and States hath ever decayed, and withered, the more that the Eccle-fialticall Officers of the Church have bin advanced and lifted up in Authority, beyond the limites and confines that Christ in his Word hath prescribed unto them.



CHAP. III.

Concerning the Ministers of the Church, 11910

I Hey hold, that the Pastors, Teachers, and reling Elders of particular Congregations, are, or ought to be highest Spiritual Officers in the Church, over whom (by any Divine Ordinance) there is no Superiour Pastor, but onely Jesus Christ; And that they are led by the Spirit of Antichrist, that arrogate, or take upon themselves to be Pastors of Pastors.

They hold, that there are not by Divine Institution in the Word, any ordinary Nationall, Provinciall, or Diocesan, Pastors or Ministers under which the Pastors of particular Congregations are to be subject, as inferiour Officers. And that it there were any such, that then the Word of God would have set them downed stimetly, and more precisely then any of the rest: For the higher place that one occupieth in the Church; of the more necessity he is unto the Church: the more learnfully would

Christ (the Head of the Church) have been in pointing him out, and distinguishing him from other.

Hence, in the Old Testament, the high Priest, his Title, Office, Function, and special Administration and Jurisdiction his more particularly and precisely set downe then the Office of any of the inferiour Priests and Levites.

Also in the New Testament, the Office of a Paflor is more dichlastly and more precusely let down then of a Doctor, or any other inferiour Church-Officer; So that a man may as well call into question thewhole New Testament, as doubt whether there ought to be & Paffor in every Congression on doubt of his proper Office and Function. and if by Gods. Ordinance there should be an Ordinary Ecteliasticall Officer above the Pastorsof particular Congregations, then Christ out of all question would with that speciall care and don hath fee in forthaby Titles, Prerogatives, peculiar Offices, Functions and Gifts. That the Churches and people of God, should have reason rather to doubt of any Office or Jurisdiction, then of the peculiar. Office or Jurisdiction of the Primates, Metrapolitanes, Archbishops. and Prelates of the world

tionall Ecclefialticall Minister or Pattor, that should be the Prince of many thousand Pattors: that then also Christ (as he did in the Jewish Church) would have appointed a following Nationall or Provincial Leiturgie or worship, unto which at some times of the years, the wholebody of the People should ascend, and that unto the Metropolitant

politan City as unto a Jerufalem, and that he would (as he did in the Jewish Church) more precisly and particularly have fet downe the manner of folemnization thereof, then of his Prochical worship. For as much therefore as they cannot read in the New Testament of any higher or more folemne worship, then of that which is to be performed in a particular Congregation they cannot be perswaded that God hath appointed any higher Ministers of his service and worship under the New Testament, then the elect Ministers of particular Congregations.

4 They hold, that the High Priest of the Jewes, was typicall and in a figure the supreame head of the whole Catholick Church, which though it were vifible only in the Province and Nation of Jury, Yet those of other Nations and Countries (as appeare, by the History of Acts, Even though they were Ethiopians) were under this high Priest. And acknowledged homage unto him. So that he was not a Provinciall Metropolitane, but in very deed; an Occumenicall and univerfall Bishop of the whole world. And therefore they hold, (this being the best ground in the word, for Metropolitane and Provinciall Pastors or Bishops,) that the Pope of Rome, who alone maketh claime unto, and is in possession of the like univerfall Supremacy: bath more warrant in the word of God, to the fame, then any Metropolitane, or Diocesan (not dependant upon him) hath or can have. So that they hold, that by the word of God, either there must be no Metropolitans and Diocelans, or elfe there must be a Pope.

5. They hold, that no Ecclesiasticall Minister ought to exercise or accept of any Civill publique



jurisdiction and authority, but ought to be wholly imployed in spirituall Offices and ducties to that Congregation over which he is set. And that those Civil Magistrats weaken their owne Supremacy that shall suffer any Ecclesiastical Pastor to exercise any civil jurisdiction within their Realmes, Dominions, or Seignories.

6 They hold, that the highest and Supreame office and authority of the Pastor, is to preach the Gospel solemnely and publickly to the Congregation, by interpreting the written word of God, and applying the same by exhortation and reproof unto them.

They hold that this was the greatest worke that Christ and his Apostles did, and that whosever is thought worthy and fit to exercise this authority, cannot be thought unfit and unworthy to exercise any other Spirituals or Ecclesiasticals authority whatsever.

7. They hold, that the Pastor or Minister of the word, is not to teach any Dostrine as to the Church, grounded upon his owne Judgement, or Opinion, or upon the judgement or opinion of any or all the men in the world. But only that truth, that he is able to demonstrate and prove evidently, and apparently, by the word of God soundly interpreted, and that the people are not bound to believe any Dostrine of Religion or Divinity what soever, upon any ground what soever, except it be apparently justified by the word, or by necessary on sequent deduced from the same.

3. They hold that in interpreting the Scriptures, and opening the sense of them, he ought to follow those rules onely that are followed in finding out the meaning

meaning of other writing, to wit, by wing the propriety of the tongue wherein they are written, by waying the Circumstance of the place, by comparing one place with another, and by considering what is properly spoken, and what tropically or si-

guratively.

And they hold it unlawfu!! for the Pastor to obtrude upon his people a sence of any part of the divine word, for which he hath no other ground but the bare testimonies of men, and that it is better for the people to be content to be ignorant of the meaning of such difficult places, then to hang their Faith in any matter in this case upon the bare Testimony of man.

9. They hold, that the people of God ought not to acknowledge any fuch for their Pastors as are not able by preaching, to interpret and apply the word of God unto them in manner and forme aforesaid. And therefore that no ignorant and sole reading Priests are to be reputed the ministers of Jesus Christ, who sendeth none into his ministery and service, but such as he adorneth in some measure with Spirituall gists. And they cannot be perswaded that the faculty of reading in ones mother tongue the Scriptures, &c., which any ordinary Turke or Instell hath, can be called in any congruity of Speech a ministerial squist of Christ, and actual the second of the called in any congruity of Speech

the Pastor only is to be the mouth of the Church, the Pastor only is to be the mouth of the congregation to God in prayer, and that the people are onely to testific their assent by the word Amen. And that it is a Bibilonian confusion, for the Pastor to say one peece of a prayer, and the people with mingled voices



voices to fay to ther except in finging, which by the very ordinance and inflinet of nature, is more delightfull, and effectuall, the more voices there are joyned and mingled together in harmony and confent.

ty to impose upon her Pattors, or any other of her Officers, any other ministerial ducties, Offices, Functions, Actions, or Ceremonies, either in Divine worship or out of the same then what Christ himself in the Scriptures hath imposed upon them, or what they might lawfully impose upon Christ himselfe, if he were in person upon the Earth, and did exercise a ministerial lossice in some Church, to

to, This hold that it is as great an injury to force a congregation or Church to maintaine as their Parfor, with tithes and fuch like donations, that perfor that either is not able to inftruct them, or that refuseth in his owne person ordinarily to doe it; as to sorce a man to maintaine one for his wife, that either is not a woman, or that refuseth in her owne person to doe the dueties of a wife unto him.

13. They hold, that by Gods Ordinance there should be also in every Church a Doctor, whose special office should be to instruct by opening the sense of the Scripture to the Congregation (and that particularly) in the maine grounds and principles of Religion.

tion to God in pravet and hat the people to reflig their affect by the word American American and American be the factors

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Cutate It It

EOr as milchas through the mathecof Sathan there are and with he in the before Churches many diforders and Standals committed, that redound to the re-prochos the Golfal de ate automoting Block romany, both withour and within the Chalch and fight they judg it feplignant to the word of Gody that any Minister should be a Soft Rules, Indias it were a Popolo much asin one Paritis (finish more that he indulate onew ver a whole Diocellec Province or Marion) they held that by Goths Ordinance the Congressation should make divide of behaviorities of sale to the congregation, hers, in the foldental regiment of the congregation, who are by office dinely with the niminers of the word to be as Monitors and Overfeers of the matthers and conversation of all the Congregation, and one of another; hat the every description and their wayes, and that the Pattors and Doctors may better attend to prayer and Doctrine, and by their means may be made better acquinted with the cluste of the people, when others eyes belides their owne shall wake and watch over themo transfer on print of a de Cont

They hold that such enely are to be chosen to this Office, as are the gravely honestest, discretely, best grounded in Religion, and the Ameierrest Professors thereof in the Congregation, such as the whole Congregation detaplife of Gerespect, for their wisdome, hollinger, and forestly and faceballo (if is be possible) as are of civil note and respect in the world, and able (without any burden to the Church) to maintain themselves.



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thivesquitter by them ands, or any orther hundle divil restrofflite, mitter direction diritie it to much dit gacoroctic policy offitie Churchy tizmendefinen and attificers, (indowed with furth qualities as are allow pecifical final disculmitted to her Overfleus of the Churchasir is that perfondinthignment of Religi orandially good terrors, and intill refrects for perfor quality and fere, adiatecand wite, as the dated in the Congregation, flouid la adminectroffe Paffors will Centers of the Congression Mandi Hillie apparent the Gran (whoraiwayes the feet his some (Ordinamess) dieth viter ever in them esset flanges and Middless, make the pourpeiler tie Mimiters and Hatters of His Church won witelisted intilistitower Sperinal buffes and graces thoughtfor thirtheonic and professor ward fire and nature conception in most interaction terms illies olisevillasveilin timesessofiationemmakestiistof scoorberi is many degrees interiouren chienther, pe demagnitionoureliberen forthe Divine colling Ordinance files.

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CHAPL. W.

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mens treasuries & coffers or as keys of prilons to thus up the bodies of men; for they thinke that such a power and authority Ecclesiasticall is fit onely for the Antechrist of Rome, and the confecrated governous of his Synagogues, who having no Word of God which is the sword of the Spirit, to defend his and their usurped jurisdiction over the Christian world, doth unlawfully usurpe the lawfull civill sword and power of the Monarches and Princes of the earth, thereby forcing men to subject themselves to his spirituall vasialadge and service, and abusing thereby the spirituall keyes and

jurisdiction of the Church.

They hald that by vertue of these keyes, they are not to make any curious Inquisitions into the secret or hidden vices or crimes of men, extorting from them a confession of those faults that are concealed from themfelves and others; or to proceed to molest any man upon fecret suggestions, private suspition, or uncertaine fame, or for fuch crimes as are in question whether they be crimes or no; But they are to proceed, onely against evident and apparent crimes, fuch as are either granted to be such of all civill honest men : or of all rue Christians, or at least such, as they are able, by evidence of the word of God, to convince to be finnes, to the confcience of the offender; As also such as have beene either publickly committed or having been committed in fecret, are by some good means brought to light, & which the delinquent denying they are able by honest and sufheient testimony to prove against him.

icandalous crime commeth before them, and is convinced of the same, they ought not (after the manner of our Ecclesiasticall Courts) scorne, deside, and taunt, and revile him, with odious and contumelious speeches, eye



selves, either by their lands, or any other honest civill trade of life, neither doe they thinke it to much dil. grace to the policy of the Church, that tradefmen and artificers, (indowed with fuch qualities as are above specified) should be admitted to bee Overseers of the Church, as it is that persons both ignorant of Religion and all good letters, and in all respects for person. quality, and state, as base and vile, as the basest in the Congregation, should be admitted to be Pastors and Teachers of a Congregation. And if it be apparent that God (who alwayes bleffed his owne Ordinances) doth often even in the eyes of Kings and Nobles, make honourable the Ministers and Pastors of his Churches upon which he hath bestowed Spirituall gifts and graces though for birth, education, presence, outward, stare and maintenance, they be most base and contemptible to he will as well in the eyes of holy men, make this Of fice, which is many degrees inferiour to theother, precious and honourable, even for the Divine calling and Ordinance fake. o into applyo

Concerning the consures of the Church

They hold, that the spiritual keies of the Church are by Christ, committed to the aforesaid spiritual Officers and Governours, and unto none other; which keyes they hold that they are not to be put to this use, to locke up the crownes, swords, or scepters of Princes and civil States, or the civil rights, prerogatives, and immunities of civil subjects in the things of this life, or to use them as picklocks to open withall,

mens treasuries & coffers, or as keys of prisons, to shur up the bodies of men; for they thinke that such a power and authority Ecclesiasticall is sit onely for the Antechrist of Rome, and the consecrated governous of his Synagogues, who having no Word of God which is the sword of the Spirit, to desend his and their usurped jurisdiction over the Christian world, doth unlawfully usurpe the lawfull civill sword and power of the Monarches and Princes of the earth, thereby forcing men to subject themselves to his spirituall vasialadge and service, and abusing thereby the spiritual keyes and

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They hald that by vertue of these keyes, they are not to make any curious Inquilitions into the fecret or hidden vices or crimes of men, extorting from them a confession of those faults that are conceased from themfelves and others; or to proceed to molestany man up on fecret fuggestions, private suspition, or uncertaine fame, or for fuch crimes as are in question whether they be crimes or no; But they are to proceed, onely against evident and apparent crimes, fuch as are either granted to be such of all civill honest men : or of all true Christians, or at least such, as they are able, by evidence of the word of God, to convince to be finnes, to the confcience of the offender; As also such as have beenceither publickly committed or having been committed in fe-· Cret, are by some good means brought to light, & which the delinquent denying, they are able by honest and sufheient testimony to prove against him.

feandalous crime commeth before them, and is convinced of the fame, they ought not (after the manner of our Ecclesiastical Courts) scorne, deride, and taunt, and revile him, with odious and contumelious speeches, eye



him with big and flerne lookes; procure Procures to make personal invertives against him, make him dance attendance from Court day to Court day; and from terms to terms from him at him in presence; and laughting at film behind his back! But they are though he be never to obtain at and perverse. To the him brotherly, not giving the least personal reprocesses; or threats) but laying open unto him the market of his sinne by the tight of Gods Word, are they by denomining the judgements of God against him, to verifice him, and so to move him to repensance.

They hold, that if the party offending be their civil appearance then they are to the ever throughout the whole car flage of their centure, all civil complements to prefuhre to convention before the, but unstandfelves to goe in all civil thank humble manuscramo bins, to ftand bare before hims to be we unto hims a final party and in the shellenging unto hims and inflam bare fore him, and in the homble manuscrame to a table to faults; for that he may fee appearance to a table the foreign carried wind the first process makes against this flow for, but or my with reals of the health and shells are for, but or my with reals of the health and shells are for his foule. All we have a to the health and shells are for his foule.

This delta charte of any many any arrows have falle opinion of any many arrows have falle opinion of hards and any many arrows have falle opinion of hards and fall of the condly to prove destinately any or hard has and fall condly to prove destinately any or hard hards and fall of the condly to prove destinately any or hard hards and fall of the condly to prove destinately any or the condition of the condition

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ry offender can possibly lay for himself, either for qualification, desence, apology, or justification of any supposed crime or errour what soever; and they ought not to proceed to censure the grossest offence that is, until the offender have said as much for himselfe in his desence as he possible is able. And they hold it an evident character of a corrupt ecclesiasticall government, where the parties convented may not have ful liberty to speak for themselves, considering that the more liberty is granted to speak in a bad cause, (especially before those that are in authority and of judgement) the more the iniquity of it will appeare, and the more the Justice of their sentence will shine.

7 They hold, that the oath ex Officio, whereby Popith and English Ecclefiafticall Governours, either upon some secret informations, or suggestions, or privare supitions, goe about to binde mensionsciences, to accuse themselves and their friends, of such crimes or imputations as cannot by any direct course of Law bee proved against them, and wherby they are drawne to bee infiruments of manyheavy croffes upour hemfelves and their friends, and that often forthole actions that they are perswaded in their consciences are good and holy. I fay, that they hold, that fuch an Oath (on the urgers part) is most dameable and Tyrannous, against the very law of Nature devised by Antichrift, through the inpiration of the Devill; That by meanes thereof the Professors and Practifers of the true Religion, might either in their weaknesse by perjury damne their owne foules y or bee drawne to reveale to the enemies of Christianity, those secret Religious Acts and Deeds, that being in the perswasion of their consciences) for the advancement of the Gospell, will be a meanes of heavy fentences of condemnation against

el en Clyes and their Jearest friends.

power to proceed in censure against any crime of any person, after that he shall freely acknowledge the same, and professe his hearty penitency for it; And that they may not, for any crime what soever lay any bodily or pecuniary mulci upon them, or impose upon them any ceremonials marke or note of shame, such as is the white sheet, or any such like; or take sees for any cause what soever, but are to accept of as a sufficient satisfaction, a private submission, and acknowledgement if the crime be private, and a publicke, if the crime be publike and notorious.

obstinate, and show no signes and tokens of repentance of that Crime, that if they by evidence of Scripture have coevinced it to be a crime, that then by their Ecclesiastic call authority, they are to denounce him to be as yet no member of the Kingdome of Heaven, nor of that Congregation, and so are to leave him to God and the King. And this is all the Ecclesiasticall Authority and introduction that any Spiritual Officers of the Charich are to use against any man, for greatest crime that can be committed.

To They hold, that the Officers of the Church are not to proceed unto excommunication against against any man, without the consent of the whole Congregation it selfe, first called for in publike Assembly.

cular Officer offending is as subject to the censures, as

any other of the Congregation.

tion having committed a frandalous finne, shall of felfe forfake the worship of G o D, and the Spi-

Spiritual! Communion with the Churchs that the Church shall then send for the said person, and if her refuse to come they shall (after much seeking and long parience) openly declare that he hath no part nor portion in the holy things of God among them; that then the Ecclesiastical! Officers hove no authority or jurisdiction over him, but onely the Civil! Magistrate, and those auto whom he oweth civil! subjection, as Parents Masters, Landlords, Sec. 181 200

Conversing the Givil Magistrate.

I will Magistrate hath and ought to have supreame power over all the Churches within his dominions, in all causes whatsoever. And yet they hold, that as he is a Christian, he is a member of some one particular Congregation, and ought to be as subject to the spirituall regiment thereof prescribed by Christ in his word, as the meanest subject in the kingdome, and they hold that this subject ion is no more derogatory to his supremacy, then the subjection of his body in his body in sicknesse to Physicians, can be said to be said to be derogatory thereunto.

They hold, that these civill Magistrates are the greatest enemies to their own supremacy, that in whole or in part, communicate the verture and power therois to any ecclesiastical officers. And that there cannot be imagined by the wit of man, a more direct meanes to check-mate the same, then to make them Lords and Princes upon earth, to invist them with civill jurisdiction and authority, and to conforme the State and limits of their jurisdiction, to the state of Kings and bounds of Kingdomes.



officer in the Church so high, but that he out it is subject unto, and punishable by the meanest civil to cer in a kingdome, city or town not onely for come crimes, some hold, that they ought to be more punishable themany other subject what soever, if they shall a fend against either civil or Ecclesiastical Laws.

fore that Antichrist because being but an Ecclesian call officer he doth in the hight of the pride of his hear make claime unto, and usurp the Supremacy of the Kings and civill Rulers of the Earth. And they hold, the all defenders of the Popish Faith, all indeverours of acconcilement with that Church, all pletters for toleration of the Popish Religion, all countenancers and maintainers of Seminary Priess, and professed Canalicks, and all denyers that the Pope is that Antiches are secret enemies to the Kings Supremacy.

Officials, &c. have their Offices and Functions on by will and pleasure of the king and civill States of the Realme, and they hould, that who fower holds the King may not without fin remove these Officers or of the Church, and dispose of their Temporalities in maintenance according to his owne pleasure, or the these Offices are jure divine, and not onely or meeting to himsome. That all such deny a principle part of the Kings Supremacy.

6 They hold, that not one of these opinions can be proved to be contrary to the word of God; and that they might have leave, that they are able to answer a that hath been written against any one of them.

FINIS

ENGLANDS

TEARES,

FOR OLD

ENGLANDS

FEARES.

Preached in a Sermon on July 23. 1640.

being a day of Publike Humiliation, appointed by the Churches in behalfe of our Native Country in time of feared dangers.

By WILLIAM HOOKE, Minister of Gods Word; Sometime of Axmouth in Devenshire, now of Taunton in New England.

Sent over to a worthy Member of the honourable House of Commons, who desires it may be for publick good.

LONDON,

Printed by T. P. for Iohn Rothwell and Henry Overton, and are to be fould at the Sunne in Pauls Churchyard, and in Popes-head Alley, 1 6 4 1.



ENGLANDS

TEARPE

ENGLANDS
FEARES.

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Princed by T. P. Line in R. M. Henry 6 vertest, and are to be fruit acute Scane in r. sels Church-yard, and in 1 spec-head Alley. I 6 4 1.

To the Realer.

COURTEOUS READERS

thy view, a Sermon preached to ched to some in New-Eng.

Land for Old England sake;

wherein is expressed much love, to a Countrey left. It was once in-

puted to Anaxagoras, that he sared not for his Countrey, because he fermed to be little moved with the ruines thereof. This cannor be imputed to our brethren of New-England; for they, not seeing, nor hearing of, onely fearing the ruines of this our Countrey, were deeply affected with it; a figne they love us. Some have applyed that of the Apostle to them, 1 John 2. 19. (They went out from us, because they were not of us, for if they had beene of us, they would no doubt have continued with us,)



but how falfely it is applyed, this seemen doth discover: for certainly they are of a, though they be gone from us, for if they were not of us, their affections would not have so continued to us, as to tast and pray for us. Amor posets amorem. Let our affections be endeared to them.

As for this Sermon, expect not care pleafing, but heart-affecting phrases in its the Author sought not so much to please as to profit, nor to informe the indgement, as to worke upon the affections, If thou bring thy heart with thee to the Reading of it, thou may st find thy heart melting by Reading of it, and then thou shalt have cause to blesse G o b for it. Vale.

New England; for 1629, nor freing, nor hearing of hearing of coels was less elections of this confected with it a fryncia of the har older applyed that of the hap lie to them, applyed that of the hap lie to them, they are not of us, for if they had been of us, for if they had been of us, they had been of us,



NEVV ENGLANDS TEARES, OLD ENGLANDS FEARES.

JOB 2. 13.

So they sate downe with him upon the ground seven dayes and seven nights, and none spake a word unto him, for they faw that his griefe was very great.



HE words are spoken of Fobs three friends, who were now come to vifite him, and sympathize with him in the time of his distresse. They had made an appointment

thus to doe, verf. 11. viz. to come to mourne with him, and to comfort him. For thus the godly should send to one another in like case,





and acquaint one another with the forrowes and calamities of their friends and brethren, and a gree to contribute and cast in their forrowes and fympathize when their friends are afflicted. A godly practice, and which the Churches in this Land doe well this day to imitate.

Now then are Jobs friends comming towards him, and when they lift up their eyes a far off, they knew him not, &c. Affliction may so alter the outward face of things and friends, that and ent acquaintance may not know them. Upon this, they (ate downe with him upon the ground &c.

The fumme of what is now read unto you, is the fympathy of *lobs* friends in the time of his calamity; and from it we may observe this point,

That it is the part of true friends and brethren, to sympathize and fellow-feele with their brethren and friends when the hand of God is upon them. For thus, you see, did lobs three friends here doe; and they performed a very brotherly office of love in so doing. When therefore afterwards their hearts grew more hard towards him, he cals upon them for the same compassions, Have pity upon me, have pity upon me, O yee my friends, for the band of the Lord hath touched mee. From

upon me, have pity upon me, O yee my friends, for the band of the Lord hath touched mee. From whence wee may likewise collect, that when the hand of God hath touched a friend, all his friends should have tender pity upon him. And such affections have the godly shewen forth, as we finde in Scripture. Who is meake, saith Paul, and I am

2 Cor, 11.29. not weake? Who is offended, and I burne not? When David was in great heavinesse, as being

under

Objer.

Tob 19. 21.

under a great affliction by the rebellious insurrection of the sonne of his owne loynes against
him, Mephibosheth, the sonne of Fonathan, Davids deare friend, did neither dresse his seete, nor 2 Sam. 19.24,
trimme his beard, nor wash his clothes, untill
the day that the King returned in peace. And
feremy writes a booke of Lamentations for Judahs misery, though himselfe had then his life
given him for a prey. When the natural body
of Christ was to suffer, he said to his friends,
Weepe not for me, but weepe for your selves; but
when his mystical body suffers, he expects that
we should not weepe so much for our selves as
for him.

Nay, David sympathizeth with his very enemies; As for me, when they were fick, my clothing was Sack-cloth, and I humbled my foule by fasting; I behaved my selfe as though he had been my friend or brother, I bowed downe heavily as one that mourneth for his Mother, Pfal. 35. 13, 14. Whence wee gather, what our affections and behaviours ought to be for our friends, brethren, and mother, in their distresse. Yea, which is yet more, wee finde one wicked man fellow feeling with another. Abaziah, a wicked King went downe to visite wicked Foram the son of Abab, because he was fick, 2 King. 8.27, 29. And both God and his Church and Children will complaine in the want of this brotherly affection. Among all her Lovers, faith Jeremy, Shee hath none to comfort her, Lam. 1. 2. It was indeed Jerufalems mifery not to be pitied, but withall it was her Lovers .



vers finne. Therefore fhee complaines, verf. 12. Is it nothing unto you all, ye that paffe by? Behold and fee, if there be any forrow like unto my forrow, &c. Againe, I called for my Lovers, but they deceived me. And obadiab prophecieth against Edom for their cruelty, and want of compassion with their brethren of Fudah in the day of their diffresse.

Matth. 25.

Luk. 7. 32.

Verf. 19.

When Christ is any way afflicted, he expecteth to be pittied, and will openly condemn them before all the world that omit this dutie. And that parabolicall speech of Christ to the Jewes, of children fitting in the Market place, and calling one to another, and faying, Wee have mourned

to you, and yee have not wept, is taken from this ground, that it is matter of just complaint, if when friends doe mourne, their fellows doe not weepe.

Rom. iz. 15,

But the Scriptures are expresse in the command of this sympathy. Rejoyce with them that rejoyce, and weepe with them that weepe; be of the Same minde one towards another. When the Apofile had faid, Let brotherly love continue; in the verses following he instanceth in two duties

thereof, first, In enterteining strangers; secondly, Heb. 1 3.1,2,3 In remembring them that are in bonds as bound with them, and them that suffer adversitie, as being our selves also in the same body. God doth then exprefly require this part of brotherly love. The Doctrine is cleare enough. It is the part of true Prov. 17. 17. friends, &c. A friend loveth at all times, and &

brother is borne for adverfitie.

Reasons.

Because they are members of the same body; the Reason intimated by the Apostle, Remember them that are in adverstie, as being your felves also in the same body. Now it is the part of one member to fellow-feele with another. When the Shunamites sonne was fick, especially in one part, his whole body complained, faying, My head, a King. 4.19. my head. This made David to fay for my brethren and Companions sake, I will say, Peace be within Plal. 122, 8. thee. He desired the peace of Jerusalem, because of his brethren and companions there, who were as it were, bone of his bone.

It is a great lightning of the afflictions of brethren, to be bemoaned by brethren and friends in time of affliction. Solamem miferis fecios de. fociall forrowes doe somewhat solace the milerable. Which wee fee in Ferufalems Complaint for want of pity from her Lovers, and Jobs (at last) from his friends. Now it is the part of friends and fellowes to beare one anothers burdens. Yea it is of the Law of Christ, which is the Gal, 6, a Law of Love. And furely, if a man doth but fee his horse over-burdened, he will run presently and lighten the loade that is upon him.

Againe; Confider that it may be the case of friends themselves, who then would be glad to be fympathized with. A man that hath friends, Prov. 18. laft, faith Salomon, must carry himselfe friendly. He may soone els soose his friends when he expects



to be dealt with friendly by them. One reason why mercy rejoyceth against judgement, is because Iam. 2. 13. as it hath yeelded mercy to others in time of Judgement, fo now it expects the fame from them in like cafe.

> Laftly, It is an eafie fervice of Love. It colt 70bs friends but little to come and bestow their teares and their forrowes upon him. What can a friend doe lesse ? true friendship and brotherhood goes further, it will, nay it must, if need be, lay downe its life for the brethren.

1 Joh. 3. 16.

Ufe.

Before I come to the maine use which fayme at, I will speake a few words, by way of Information, to flew how farre they are from being friends or brethren, who are ready to rejoyce at the afflictions and miseries of others. A right E-Obad. verf. 12. domitish quality; for Edom rejoyced over the children of Judah in the day of their destruction, and spake proudly in the day of their distresse: and these were a cursed generation. And indeed the Pfalmist implyes it to be a property of abjects thus to doe: In mine adversity they rejoyced, and gathered themselves together, yea the abjects, (i.e. the cast-awayes) gathered them selves together. And it is commonly observed, that men and women who have turned Witches, and been in league with the devill, thereby to doe mifchiefe, are never given over so to doe, till they begin to have an evill eye, which grieveth at the prosperity,

Pfal. 35. 15.

Prosperity, and rejoyceth at the misery of others. Hence Witchcraft is described by an evill eye. I know not what eye hath bewitched my Nestio quisteyoung Lambes. And when any are bewirched, it is a phrase of speech among many to say, they are overseene, .i. e. lookt upon with a malicious eye. Nay, it is the property of the devill to be thus affected. Mans prosperity is his paine, and mans adverfity his rejoyeing, as wee fee in lob; neither is there (fcarce) any thing that doth more import the feed of the Serpent in a man, then this same in zamenaplas rejoycing in the evill and misery of another. It is then the property of Edomites, abjects, witches and devils, to rejoyce in the mifery that befalleth others. And though I am not able to charge any of you with this curfed affection, yet I doe wish you to looke into your owne hearts; for this I am fure, here are strong temptations sometimes, leading towards it in this Land, which when they meet with an heart voyd of grace, must needs stirre up the disposition in it, and not onely emulations and envyings, but witchcraft it felfe is a worke of the flesh.

But the use that I doe principally intend, is of Exhortation to you all, as you defire to approve your felves the true friends and brethren of your deare Countrey-men in old England, to condole with them this day in their afflictions. Jobs friends, you see, did it for him seven dayes and seven nights, i.e. many dayes, oh let us doe it then this one day, at least, for these.

Indeed

neros oculus mibi fascina

Gal.5. 19, 20.



Ad. 12.

A&. 9. 31.

Indeed when we looke upon our felves at this time in this Land, the Lord hath given us great cause of rejoycing, both in respect of civill and spirituall peace. God hath at once subdued the proud Pequats and the proud opinions that rose up in this Land; and for plenty, never had the Land the like. Yea, which is much better, the Word of God growes and multiplyeth; the Churches have rest throughout the whole land, and are edified, and walking in the feare of the Lord and in the comfort of the holy Ghoft, are multiplyed. This is much, and more it would be, if the edge of these and other our comforts were not this day turned by the feare of civill strifes and combustions in the Land of our Nativitie, which doe not a little abate the fweetnesse of all other our happinesse to us, and call for Lamentation and fackcloth at our hands.

Neh. 3. 3.

When Artaxerxes said unto Nehemiah, Why is thy countenance sad, seeing thou art not sicke? Have you not read the answer? Why should not my countenance be sad, when the City, she place of my Fathers sepulchres lyes wast, and the gates there of are consumed with fire? Why? Nehemiah was well enough at ease, he had honour, and power, and favour, and pleasure enough, and being the kings Cup-bearer, he had Wine enough of all forts at his command, which maketh glad the heart of man. But what is all this mor to cloud his countenance, and to overcast it with griefe and forrow, when the City of his Fathers was layd wast, and the gates thereof consumed with fire?

fire! Thus Beloved, if our comforts were treble to what they are this day, yet could it not but much abate the sweetnesse of them, to consider what distresses may lie at this time upon our native Countrey, for ought wee know, and have too just cause to feare. When the Arke and Ifrael and Judah abode in tents, and Joab and his men were encamped in the open fields, Urijah tooke 2 Sam. 1 1.12 no comfort in his beautifull wife, nor in his

house, nor in his meate and drinke.

Let us therefore, I befeech you, lay afide the though s of all our comforts this day, and let us f. sten our eyes upon the calamities of our brethren in old England, calamities, at leaft, imminent calamities dropping, fwords that have hung along time overtheir heads by a twine thread, judgements long fince threatned as forefeene by many of Gods Messengers in the causes, though not forctold by a Spirit prophetically guided; heavy judgements in all probability when they fall, if they are not fallen already. And not to looke upon the occasions given on the one side or the other, betweens the two Sifter Nations (Safer Nations : ah, the word woundeth,) let us looke this day fimply on the event, a fad evert in all likelihood, the dividing of a King from his Subjects, and him from them, their muruall taking up of Armes in opposition and defence; the consequences, even the gloomy and darke confequences thereof, are killing and flying, and facking and burning, and robbing and rifting, curfing and blafpheining, &c.



If you should but see Warre described to you in a Map, especially in a Countrey well knowne to you, nay dearely beloved of you, where you drew your first breath, where once, yea where lately you dwelt, where you have received ten thousand mercies, and have many a deare friend and Countrey-man and kinsman abiding, how

could you but lament and mourne ?

Warre is the conflict of enemies enraged with bloody revenge, wherein the parties opposite carry their lives in their hands, every man turning prodigall of his very heart blood, and willing to be killed to kill. The instruments are clathing fwords, ratling speares, skul-dividing Holbeards, murthering pieces, and thundering Cannons, from whose mouths proceed the fire and smell and smoake and terrour and death, as it were, of the very bottomlesse pit. Wee wonder now and then at the fudden death of a man; alas, you might there see a thousand men not onely healthy, but stout and strong, struck dead in the twinckling of an eye, their breath exhales without fo much as, Lord have mercy upon us. Death heweth its way thorow a wood of men in a minute of time from the mouth of a murderer, turning a forrest into a champion suddenly; and when it hath used these to slay their opposites, they are recompenced with the like death themselves. O the shrill eare-piercing clangs of the trumpets, noise of drums, the animating voices of Horse Captains and Commanders, learned and learning to destroy! There is the undaunted horse whose

Tob 39. 19,

neck

neck is clothed with thunder, and the glory of whofe nostrills is terrible; bow doth he lye pawing and praunfing in the valley going forth to meet the armed men? he mocks at feare, swallowing the ground with fiercenes and rage, and saying among the trumpets, Ha, Ha, be smels the battell a far off, the thunder of the Captaines and the shouting. Here ride fome dead men swagging in their deep saddles; there fall others alive upon their dead horses; death fends a message to those from the mouth of the Muskets, these it talkes with face to face, and stabbs them in the fift rib: In yonder file there is a man hath his arme struck off from his shoulder, another by him hath lost his leg; here stands a Souldier with halfe a face, there fights another upon his strumps, and at once both kils and is killed; not far offlyes a company wallowing in their fweat and goare; fuch a man whileft he chargeth his Musket is discharg'd of his life, and falls upon his dead fellow. Every battell 162. 9. 6. of the warriour is with confused noise and garments rouled in blood. Death reignes in the field, and is fure to have the day which fide foever falls. In the meane while (& formidable!) the infernall fiends follow the Campe to catch after the foules of rude nefarious fouldiers (fuch as are commonly men of that calling) who fight themselves fearelessy into the mouth of hell for revenge, a booty, or a little revenue. How thick and threefold doe they speed one another to destruction ? A day of barrell is a day of harvest for the devill.

All:



All this while, the poore wife and tender children sit weeping together at home, having taken their late farewell of the harneffed hufband and father (ô it was a fad parting if you had feene it!) never looking to fee his face againe, as indeed many and the most of them never does for anon comes Ely's meffenger from the Camp. faying, There is a great flanghter among the people; and your husband is dead, your father is dead, he was flaine in an hot fight, he was foot dead in the place and never spake a word more. Then the poore widow who fed yet upon a crumb of hope, teares her haire from her head, rends her cloths, wrings her hands, lifts up her voice to heaven, and weeps like Rachell that would not be comforted, her children hang about her crying and faying, O my father is flaine, my father is dead, I shall never see my father more; and so they cry and fob and figh out their afflicted foules, and breake their hearts together. Alas, Alas! this is yet but Warre thorow a Crevise. Beloved, doe but confider; There is many times fire without warre, and famine and pettilence without warre, but warre is never without them: and there are many times robberies without warre, and murthering of passengers, ravishing of matrones, deflouring of virgins, cruelties and torments and fometimes barbarous and inhumane practices without warre, but warre goes

feldome or never without them. Warre, it is malum complexum, a compound Pfal. 75. 8. of Judgements, a mixt mifery, the cup in the hand



of the Lord, the mine whereof is red, and it is full of mixture. The wine is indeed as red as blood, and the ingredients are fire, famine, pestilence, murchers, robberies, rapes, deflourings, cruelties, torments, with many other miseries. The voice of melody ceafeth, relations that were lately the comfort are now become the griefe of the life of men; the high wayes are unoccupyed, Iudges 5. 6, 7; the travellers walke thorow by wayes, the Inhabi. tants of the villages cease, and the noise of the Archers is heard in the places of drawing mater. Warre, it is the immediate hand of fuch whole 25am. 14. 14. tenderest mercies are cruelties, commonly therefore the last of Gods stroakes upon them that will take no warning. But yet there is difference in warres; a warre in the borders of an enemy is held better then a warre in ones native Countrey; for commonly, the land that is as the garden of Eden before an enemy, behind Joel 2: 3. them is like a desolate Wildernesse, and it is very wofull when people and land shall be wasted together. Or if it be warre in our owne Land, yet a warre against a forreigne enemy invading, is far better then a civill warre. It is grievous, but not admirable, to see an Egyptian and an Hebrew contending, but to fee, as the Prophet fayth, Egyptians against Egyptians, and every 16. 19. 1. one fighting against his brother, and against his neighbour, City against City, and Kingdome against Kingdome; or to see, as the same Prophet fayth, Manaffeh against Ephrains, and B. Isa 9. 21: phraim against Manasseb, and both against Ju-



15, 16.

dah; O, this is both lamentable and wonderfulf! The mad Souldier in the heat of his blood, and the depth of his Atheisme, may account it perhaps at first with Abner but a play, to see Ifrae-2 Sam. 2. 14, lites catching of Ifraelites by the beard, and thry. sting their fwords in one anothers fides: but of all warres none so bloody, neither hath any play

fuch bitternesse in the end. It is a fad play, wherein not onely mens goods and bodyes and foules doe commonly lye at stake, but whereinalso even the very Conquerour is conquered, as one that played but for his owne money, and at fuch a desperate play whose very gaines are loosings. No warres to cruell, so unnaturall, so desolating, as civill warres. You have heard, Beloved, of the dreadfull German-warres; why, if there be any in our owne Countrey this day, I may call them German-warres, because they are the warres of Germans, even the bloody contentions of brethren; and when relations turne oppofites, nothing more opposite. A Kingdome at warres with a forreigne enemy may stand, but a Kingdome divided against it selfe, can never; there can never be prosperitie within Jerusalems pallaces, if first there be not peace within her walls.

Pfal. 122. 7.

Ephof. 4. 3. 1 Unity and peace are a bond, and where that is broken, there must needs follow dissolution.

When the Philistines went beating downe I Sam. 14.16. one another, the multitude (mark the word) melted away. A thing never confumes faster, then when it falls to melting : and how doe such wea-

ken

ken themselves for an enemy withour; and fight for the conquest of some forreigne adversary ? Gedeons men may stand still every man in his Iudg.7,21,22 place, fo long as Midianires turne their fwords against Midianites. Neither needs Febolophat 2 Chron. 20. strike a stroake, when the Moabites, Ammonites and Edomites his enemies, lye in ambush one against another; first Meab and Ammon fighting against Edom, and then Moab and Ammon one against another. And what was the iffue of the eleven Tribes warres with their brother Iudg 21.3,3,6. Benjamin, but lamentation, mourning and woe? And yet too among civil warres, some are -En quo difworse then other. I have read, I remember, in Perduxit mi-Lucan, of warres betweene Cafar and Pompey Seros. worse then civill: and such especially are mu- Bellaper Ematining warres, when there is little trust to either civilia campos. fide, and friends are scarce knowne from foes, but all things are filled with conjurations, treacheries, distractions, factions, feares, suspitions, tumults, combustions, spoylings, &c. The Lord be mercifull to old England, as hitherto he hath been, yea more then to any Land this day under the Sunne, which indeed heightneth its fins above the Sunne, and makes it more finfull then any Land at this time in the whole world, infomuch, that we cannot but yeeld that there are no warres that Englands sinnes have not deserved. Let us therefore feare the worst at this present in behalfe of our deare Countrey-men (confidering also what ill tidings we have heard thence) that nothing, as we doubt, but a miracle of divine

cordia cives



Jere. 46. 16.

vine power and mercy can preserve them from the miseries of the devouring sword. I remember what the Auxiliaries of Egypt said in their distresse, arise, and let us goe againe unto our people, and to the Land of our Nativity from the oppressing sword; but if wee were now under that misery, I doubt it would be in vaine for us to say the like. But that which wee are now called unto, is Brotherly Compassion, and to doe the part of Jobs triends in my Text, to sit assomished, as at the crying sinnes, so at the feared forrowes of our Countrymen, for in all probabilitie, their griefe is very great.

To this end, you may thinke a while upon

these particulars.

Of our civill relation to that Land, and the Inhabitants therein. There is no Land that claimes our name, but England, were are distinguished from all the Nations in the world by the name of English. There is no Potentate breathing, that wee call our dread Soveraigne, but King Charles, nor Lawes of any Land have civilized us, but Englands; there is no Nation that calls us Countrey men, but the English. Brethren! Did wee not there we in our first breath! Did not the Sunne first shine there upon our heads! Did not that Land first beare us, even that pleasant Island, but for fin, I would say, that Garden of the Lord, that Paradise!

Withall, let us thinke upon our naturall relations to many in that Land. Some of you, I know,

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know, have Fathers and Mothers there, some of von have Brethren and Sifters, others of you have Uncles and Aunts there, and neare kinf. folke. All thele fitting in griefe and forrow, challenge our sympathize; and it is a fearefull fin to be voyde of natural affections : nature Rom. 1. 31. wrought in Abraham, as well as grace, when his nephew Lot was taken captive by the foure Gen. 14. Kings.

But which is more, let us remember, how (for many of us) we stand in a spirituall telation to many, yea very many in that Land. The same threed of grace is spun thorow the hearts of all the godly under heaven. Such a one there, is thy spirituall Father, he begot thee in Christ Jesus thorow the Gospell; and there thou haft spirituall Brethren and Sisters Matth. 12, 50. and Mothers. Othere is many a sweet, loving, humble, heavenly foule in that Land, in whose bosome Christ breaths by his blessed Spirit every day, and fuch as I hope wee shall ever love at the remotest distance, were it from one end of the earth unto the other. Why, they are bone of our bone, and flesh of our flesh in Christ, nearer by farre then friends, and kindred, oh let their forrowes be our forrowes, and their miferies ours.

Besides these relations, civil, natural!, spirituall, let us thinke upon the speciall tyes and and engagements that many there have upon us. Among your friends there, whither naturall or spirituall, there are, no doubt, some there, whom-C3



whom you prize above the rest. O if you could but fee them, your foules would hardly flay within your bodies for running forth to meet them; At left, you would frive to incorporate your felves into them by the closest embraces. Alas, there now, perhaps, are weeping in their fecret places, these are now sitting with 306 among the ashes. If you could but see the expressions of their forrowes, and heare their prefent speeches and complaints, and how they, their wives, and little ones doe fit and lament to gether, it may be some of them in expectation of daily death, and how they fast and pray, and afflict their foules, or how, peradventure, they wish themselves at this very instant with us; O you would weepe and cry, and melt away into reares of forrow.

To this, adde the Confideration of the many mercies, heapes of rich and precious mercies, twenty, yea thirty and forty yeares mercies, and to some more, which wee have there received: especially soule-mercies. There the light of the glorious Gospel of Christ Jesus first shined forth unto thee; there first thou heardst his pleasant voice; there did his good Spirit first breathe upon thine heart; there didft thou first beleeve and repent, and amend thy lewd wayes. And never was there a Land, I thinke, fince Christ and his Apostles left the world, so richly blest in converts, or that ever brought forth such and fo many worthies into the world. Yet there now (alas indeed, where fooner, when finne aboundeth ?)

aboundeth?) doth Judgement begin to reigne,

as we may greatly feare.

Or is it not meet that we should beare a part with them in their forrowes, who have borne a part with them in their finnes! Have we conferred fo many finnes as we have done to speed on their confusion, and shall we bestow no forrow on them? Shall we not help to quench the fire with our teares, that we have kindled with our finnes? O cruell! How know wee but that the Lord is at this instant visiting our transgreffions there acted, which polluted the Land? Beloved, did wee not commit there ten thoufand millions of finnes and more amongst us during our aboad there? There, O there, we played the ungodly Atheists, there it was we halted betweene God and Baal, sware by the Lord and by Malchom, were neither hot nor cold; there fone of us blasphemed the dreadfull name of the ever bleffed God, polluted his Sabbaths, despised his messengers, contemned his holy wayes, prophaned and abused his mercies, and his good creatures, ran with others to the fame excesse of riot, &c. And how ever some may lay, they have repented hereof, yet little doe they know what evill examples they have left there behind to fill up the measure both of finne and wrath. If thy finnes committed there be pardoned, yet thy fins fins may be punished, like as a Father may be spared, and yet his children executed.

Thy finnes, ôman, have begotten many fins there;



conformitant the more for thee, as indeed I feare there is forme. Alas, how have they kept on finning upon our examples ? Anothers drunkennesses have begotten many a drunkard there, as anothers spirituall cowardize many a Nicodemite, and anothers Lukewarmenesse many a Laudicean. Now, doe we feare that the Lord is gone forth this day to call that Land to an account, and to visite for these and the like abominations, and is this nothing unto us ? Shall men be flaine for our finnes, and we afford them no forrow ? What ? shall the old Prophet in Bethel rise up in judgement against us ? for when he had flaine the man of God by his lying and diffembling to him, he yet mourned and lamented over him, faying, Alas my Brother. Ah my friends and brethren, let us doe the like; our finnes have flaine, perhaps by this time, a little Army of men, what can wee Jeffe then lament over them, faying, Alas, Alas, our Brethren. Surely, wee in this Land have great cause to doe as wee doe this day, if for no other respect, yet for this; for wee have done enough and enough to overwhelme old England with the wrath of God; that our hearts at this time could be but over shadowed with a cloud of forrow!

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1 King. 13.30.

Againe; let us suppose that things were even now turned end for end, and that wee were this day in distresse, and those our brethren in peace; I am consident, that they would condole with

us, yea and powre our many a prayer for us: for they did as much, I know, when this Land lay fometimes under dearth, another time when the Indians rebelled, a third, when the monfrous opinions prevailed. And how have they alwayes liffened after our wellfare, ebbing and Aowing in their affections with us ? How doe they (I meane all this while, multitudes of well affected persons there) talke of New-England with delight ! How much nearer heaven doe some of their charities account this Land, then any other place they heare of in the world? Such is their good opinion of us ! How have fome among them defired to dye, if they might not be youchfafed to live in this Land ? And when fometimes a New-England man returnes this ther, how is he lookt upon, lookt after, received, entertained, the ground he walks upon beloved for his fake, and the house held the better where he is ? how are his words liffened to, laid up, and related frequently when he is gone? neither is any love or kindnesse held too much for fuch a nan, boold bas speed to died will

Neither let this be forgotten, that of all the Christian people this day in the world, wee in this Land enjoy the greatest measure of peace and tranquilirie. Wee have beauth dur fwords into plough-shares and/our speares into pruning hookes, when others have beaten their pruning hookes into fpeares, and their plough-shares into fword. And now as Mofer fayd to the Reubenites and the Gadires, shall your bresbren gee Numb. 32, 6.



romarre, and faull yee fit fill? So, shall our bred thren goe to warre, and we fit ftill, and norfo much as grieve with them ? shall they be wound ded with the fword and speare, and not we pier ced fo much as with brotherly forrow? Surely then, if ever the Lond mould bring the like houre of temptation upon us, as his people here have not been long hisherto without exercise; he might july that us out of the hearts of all our brethren in the world. And whereas too perhaps here and there one in our native Land, especially in their passions, may have had some transfent thoughts, touching, it may be, forme of us, as if the exorbitant spirit of John and James were in us, defirous that fire from heaven should fall upon them, as if, I meane, we would be glad to heare of Judgements upon our native Counerey (ô cruell, and unnaturall!) our fellow-feelings this day, I hope, shall wipe away all such prejudices. And truly, if Gods Justice might be fatisfied with that Lands amendment without one drop of blood, though wee mould fied flore both of teares and blood to effect it, wee would greatly rejoyce, and foone turne this day of Humiliation into a day of gratulation, praile, and thankefgiving.

What shall I say? If there should be any one heart here digd out of a Marpelian rock, let such an one remember, lastly, that in the peace of that Land, we shall have peace, and therefore in the misery of that Land, we shall never be happid. You know, that God hath hitherto made that

Land

ere so. 7

Tere. 39. 7.

Land a bleffing unto this; It Christ hath a Vine here, that Land hath as yet been the Elme that hath fusteined it. Thence hath the Lord thus Hockt this American part with fuch Worthies. there were they bred and nurst, thence hitherto have been our yearely supplies of men, and of many an usefull commoditie. If then they suffer, we may eafily finart; if they fink, wee are not likely to rife. And this, at least, may be a perswasive to a fordide minde, that will not be wrought upon by more ingenuous Arguments.

The mercifull God Rirre up all our affections, and give us that godly sympathy, which that Land deserveth at our hands, and teach us to expresse it upon all occasions of ill tydings comming to our eares from thence. Yea, let us fit at this time like old Elyupon the wayes fide, wat- 1 Sam. 4. ching, as he did, for the Arke of the Lord, with a trembling hand and heart. And let us be every day confessing of our old England sinnes, of its high pride, Idolatry, superstition, blasphemies, blood, cruelties, Atheismes, &cc. and let us never goe to our fecrers without our Cenfors in our hands for old England, deare England Still in diverse respects, left indeed by us in our perfons, but never yet forfaken in our affections. The good God of Heaven, have mercy upon it, and upon all his deare people and servants in it, for Christ his fake, Amen.

FINIS.



for old ENOLANDS Ferres

Land a bieffire zumto this, If Chair habita Vieshore, that Leartha has vert an too aliant hash forfeined in. I hand have have the history and this American port with the hold Westman there were they breed and truth, the action when have been our yeartly from many as affinite organisms. If they have marked for a finite from the control of the profile, and this, at half, many or a perfectly in a first the profile to a forfice miles, when the profile to a forfice miles, when a forfice miles and the means the means.

The merciful! God fine up all occast, clon , and give us that godly lympathy, which the Land deferreth as our bands, and to the the expedite it upon all occasions dent y dangs conming to our cares from thence. Yes, I tus freat this time like old Fly upon the vayes lide, wat - 1 fant s ching, as he did, for the Arice of Le Lord, walt a trembling hand and heart. And hears beevery dry confession of our old England lines, of its high pride, Idolatry, Superficion, blasphemies, blood, ernelries, Athelland, & er and let us never goe to our feeres whereat our Confusin in diverse respectes, lest inacced by us in our pertons, bur never ver forfelten in out affections: The good God of H erven, has causay aponit, and upon all his dears per ple and for any faith for Christ lake, Chan.

FISCIS

OF THE COVNCELL OF

WARRE,

PRONOUNCED
AGAINST THE LORD
MOVNTNOR RIS,
IN FRELAND THE
Twelfth of December,
1635.

VVith the Lord Mountnorris Petition to the Parliament concerning his Injuries and wrongs sustayned by the Lord Darvir deceased.



Printed in the yeare, 1641.



THE COVINCEL OF THE ROYALDER OF

PRONOVNCED AGAINST THE LORD MOVNTNORRIS, IN PRELACE

FRELANCE December,



Printed in the your, 1641.

AND THE PROPERTY OF THE PROPER

BYTHE LORD DEPVTIE WENTWORTH and

General of the Armie and Councell of Warre.

hereas the Kings most excellent majeflie by his highnes letters of the one and thirtieth of July Laft direcited tows the Lord deputie, bath beene graciously pleased to fignihe that as he hall ever expend that all due reverence hall be given by his tubicos so she per log whome he appointer ben be his deputies and seperal of his Are mic within this his Kingdome of Freland; So out he contrary, hee shall hold them blame-worthie, especial ally being persons; who, have received their dignities from him, or hold their places of hono sand trust under the government. And weathail forget there dueher that way in their monds, or adiom, to the illexers . And taking motion of the carniage of and Treasurer at Warre lure (whose holdesa Cap. times place in his Majesties Annie) by urroung ment

fome speeches, inciting a revenge vpon vs the Lord deputie and generall, from, a Linerenant of this Armie, for performing the duties of our place, with modefly and good reason, in the time of exercising our troope, which his Majestie in his said letters declares to be an offence, much unbeseeming the grauitie of a privile Coonceller to vs the Lord deputie, and the dutie of a Captaine to his generall, and not to be suffered in any well governed Armie where good discipline must be the rule and square of every mans actions.

And therefore being very sensible of the honor of Vs, his deputie, and generall of his Armie; which may suffer herein, and be of ill consequence in the surve, he hath by his said letters willed and commanded Vs the Lord deputie and generall upon receipt of those his letters to call a councell of warre, and after a due examination, and proofe of these spresse by the Lord Mountnorris, his Majesties expresse will and pleasure is, that hee should under goe and be liable to such censure as the said connects should impose upon him, for the sulf-reparation of Vs his deputie and generall in that poynt, and that there be no sayling in putting the same in due and speedy execution.

In obedience to which his Majeffes command, Weethe Lord departe called a councell of walle, whoe being this day affembled. Weethe Lord le putie in the presence of the faid Lord Mountains did charge him with this offence, that within a lord a daile or thereabouts, after the end of the Parlament of the ing mentioned at the Lord Chardellors Table, that after Wee the Lord deputie had dissolved the Parlia-

ment, being fitting downe in the presence Chamber. one of Our servants in mooving a stoole happend to hurt our foot, then indifpoled through an accession of the gout, that one then prefent at the Lord Chancel. lors table, then faid to the Lord Mountains being there likewise, that it was was whiley his Bordfhips kiniman, and one of our Lord deputie and generalls gentlemen-vihers that had done it, whereupon the Lord Mountnerris then publikely, and in a formefull contemptuous manner, an (were a per happs it was about in revenge of that publique affront which my Lord deputie had done him formerly, But behath a brother that would not take fach a revenge, which Charge being folaid, the Lord Mountnerest was required by this councell of warre, to make answer thereunto, who going about to answer it, and yet neither confessing nor denying them; This councell (after some time fpent therein) required him to answer the faid charge. either negatively or affermatively, yet would not confesse or deny them. Wherevoon the witnesses vouched for profe thereof, were called, namely perfons who though they were not the orginall relators of his Lordships, said discourse to Vsthe Lord deptitie, yet being present when the words were so spoken. were conceive to be able to give testimony therein: And therfore were called to be interrogated with alf thereupon, who being examined before this connecti upon oath, ministered unto them by the Clarke of the councell before Vs by commandement of Vs the Lord deputie and their depolitions they reduced to writing, and subscribed by them in our presence and in the presenceals of the said L. Mountnerris, who heard them affirme the same It thereby appeareth that the



faid Lord Maintenances vitered and spoke the faid words, in manner and forme, and at the time and place aforesaid; The charge laid against him standing then fully proved, the said Lord Mountenance at last submitted himselfe to the sudgement of this councell, protesting that what interpretations of ever his words might have put upon them, he intended noe prejudice or hurt to the person of Vs the deputie and generall, affirming that by these words, but he hash a brother that would not sobe such a rewenge his Lordship meant onely that he the said brother would dye, before he would give Vs the deputie and generall occa-

fion to give him fach arebuke.

Wee fell in the next place to confider as of the hature of the offence, fo of the punishement due therevace. And first for the nature of the offence, Wee conceive it to containe first a calumnie against the person of Vs the deputie and generall of the Armie, infinuating by these words the publike affront or the diffrace which my Lord deputie had done him for merly, that indeede there had beene fuch an affront, or diffrace put upon him, by Vs the Lord deputie; whereas in truth it was nothing fo, but that which was pretended by the Lord Mountains to have been the faid diffrace or affront to his kinfman was this, that his faid kinfman being one of the horfe-troops commanded by Vsthe L. deputie in the time of exexciting the faid troope, was out of order on horfe backe to the diffurbance of the reft then in exerciting, for which she II. deputie in a mild manner reproving him, as fooneas Wee returned a fide from film. Wee observed him to laugh and getre Vs for Our just reproofe of him, which Wee dilling returned to him,

and laying a small Caine (which Wee then eartied) on his shoulders (yet without any blow or streake then given him therewith) told him, that if hee did serve Vs soany more, Wee would laie him over the pate, the truth of which sade appeared vnto Vs by the relation of his Majesties said deputie and our generall, avowed and confirmed by two of vs the Captaines; namely the Lord Kirkudbright, and Sir Frederick Hamilton knight who then saw the manner of it, and now sate as members of this councell, which said act was by this whole councell adjudged to have been a farr milder proceeding with the said Angley, then such an insolence and disobedience to any Commander, much more to his gennerall merited.

And therefore it was a speech savouring doubtles of malice, to in sinuare that as an affront or disgrace which was indeed a justly merrited, but a mild and

modest reprehention and admonition.

Secondly Wee conceive the offence to containe an incitement to a revenge in these words but her has a brother that would not take such a Renenge, which incitement might have given encouragement to the brother being then and now in this kingdome, and Livetenant of the said L. Mountairris his toore companie to the said Anger himselfe being continually so neere the person of Vs the deputie and generall, or to some other to have taken up resolutions, of dangerous consequence, and the manner of speaking the words doe so fair aggravate them, as there is no place left for any indulgent construction to bee made of them, dor indulgent construction, but such as renders the speaker a delinquent in a high and a transendent manner against the person of his generall, and his Majesties authoritie.

authoritie whence we derive Our power; This coancell also tooke it into consideration, that if the like words had beene spoken of the facred person of our dread Soveraigne Lord the King, they had a mounted to little leffe then high treason, which by some rule of relation apply themselves even to his Majestie, being directed to the person of his depurie and the revenge thus infolently voted to have beene taken vpon him : being done, when Wee the deputie, and generall had that great and high honor which We alwayes esceme our Selfe in our selfe farre vnworthy of, as to be apparralled and robed with his Majesties owne robe of majestie, and Soveraingnity: We consideredlikewise the time when these words were spokenwhen part of the Armie was in motion, and when there were divers companies of foote and troops of horse in the towne, & daily in exercising, and training whereat for the most part, We the deputie were prefent and the towne full of people from all parts of the kingdome as then vareturned back to their owne dwellings, from their fitting in Parliament.

In the next place for the punishment due to his offence, We judge it to be an apparent breach and contempt of the 41. Article of the printed lawes and orders of warr established for the good conduct of the
service of Ireland, dated the 13. of March 1633. and
published in print by Vs the Lord deputie soone after our accesser to this government in these words of
the said article, No man shall give any disgracefull words
by committany att to the disgrace of any person in his Army, or garrison, or any part thereof upon paine of imprisonment, publique disarming and banishement from the
Armie, as men for ever disabled to carrie Armes. And

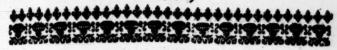
which is more in like breach and contempt of the 13. Article of the faid printed lawes and orders of Warre. the words of which Article are the fe, No man fall of. fer any violence or contemptuously of fobey his Comman. der or doe any det, or freake any stords which are like so breede any mustry in the Army or Garifon, or impeach the: obeying of the generall or principalt officers directions upon paine of death; which Articles are no other then very lame Arueles, this Army had allwaies been the governed by in the time of the lare Lord Faulkland. Lord Willmest, and other the generalls before them. And therefore this Councell of Warre in conformity to his Majesties gratious pleasure as aforesaid, and afwell to vindicate the honour of his Majeffies deputy. and generall of his Army, from the wrong and contempt, under which we now foffer, to the feabdall of this Government, and to illexample of others : As alfoto deliver one to all, which beste office or are listed as members of the Army under the rule and government of us his generall; An example of Justice for them to take warning by, how they prefume to offendagainst the Authority intrusted us by his Majestie doe hereby Adjudge, Order, and Decree, that the faid Lord Mountnerris stands justly and defervedly lyable to undergoe the cenfures, paines and pupilfments by the faid 41. Article and 15. Articles proved against the breakers of all good discipline, and the transge flors against those orders which are by the faid 41. Articles imprisonment, publique difarming and banishment from the Army, as a man for ver dilable to carry Armes: And by the faid 13. A ticle death, And therefore according to the faid Articles.



ticles, this Councell doe unamimously with one joynt consent, not one of us being of other opinion; adjudged the said Lord Mountnorris for his said high and great offences to bee imprisoned to stand from hencesorth deprived of all the places, with the entertainments due thereunto, which he holds now in the Army, to be disarmed, to be banished the Army, and distinabled for ever bearing office therein hereaster: And lastly, to be shot to death, or to loose his head, at the pleasure of the Generall: Given at his Majesties Castle of Dublin the 12. day of December, 1635.

Valentia. Tho. Cromwell. R. Ranelagh. R. Dillon. Law. Esmond. Kirkudbright. Iohn Barlasse. Law. Charles Coot. Tho. Wenman. Arthur Terringham. Arthur Blundell. Faith: Fortescue, Ro. Farrar. 10. Borlase. Tho. Roper.

TO



THE HONORABLE AS-

fembly the Knights, Citizens, and Burgesses of the Commons house of Parliament.

The humble Petition of Sir Francis Anniley, Knight and Baron. Mountnorris in the Kingdome of the Realme of Ireland.

Humbly Shewing,

THat whereas your Petitioner for divers yeares A hath beene imployed by his Majestie and his late Royall Father in divers Offices and imployments of great trust and eminence within the Realme of Ireland, wherein to the uttermost of his power bee hath Faithfully discharged the trust in him reposed with the publique approbation, and satisfaction both of this, and that State and Realme; in Testimony whereof, his Majestie was pleased to dignisie your Petitioner with the stile he now beares, yet the Right Honorable Thomas Earle of Strafford, Lord Livetenant of the faid Realme of Ireland having conceived a causelesse distrust against your Petitioner, and thereupon indeavoring the revenge of some personall neglects, and the undue advancement of his own ends and instruments, by the dishonour and ruine of your Petitioner, his Lordfhip without any just cause at all, not onely stript and deprived your Petitoner of those honorable imployployments with contumely and reproach, but also of his owne private fortunes, and the birthright and liberty of a subject, a short viewe of part, of which your. Pentioners sufferings, he humbly presents in these ensuing particulars.

sembly the Knights, Origens

First, whereas his late Majestic King Inner by his Highneffe Letters bearing date the first day of ottober in he 14, yeare of his Mujesties Reigne, did appoint your Petitioner to be one of the principall Secretaries, and of the Councell of Stare for that Realme; whereupon your Petitioner was fwome and admitted accordingly: and whereas after viz. the eighth day of Iune in the 16. yeare of the faid Majesties Raigne, his faid late Majestie by his Letters Patents under the great Seale of Ireland, did grant unto your Peritioner aswell a Pension of 200. pound per Annum, for the evercife of the faid office, together with the Fees thereunto belonging, as also the office of the Privic Signet, with the incidents thereunto, to bee held by your Petitioner during his life, immediately after the death furrender or forteiture of Sir. Dudley Nortes, who had the fame office and penfion during his life, by force of which premisses as your Peritioner faithfully executed the faid office of a Secretary, without fee during the life of the faid Sir Dudley Norton, who was then for many yeares infirme and unable to exercife the fame; fo he ought to hold the faid office and pention fince his deceate or furrender, according to the office of his Majefties faid Patent ; Yet upon pretinfe of a discour esie supposed to bee done by your Petitioner to his Lordships brother Sir George Wentworth

Wentworth, his Lordship obtained a surrender to bee made by the said Sir Dudley Norton in or about the 12. day of Fuly in the 10. years of his now Majesties Raigne, and contrary to all right and justice procured the said office and Fees to bee conferred upon Sir Phillip Manwareing, who notwish standing your Petitioners often request and Petitions to his Lordship for releife, still holds the same under protection of the power and greatnesse of his Lordship.

2.

Whereas his Majestie by his Highnesse Letters Patents bearing date the 30. day of May in the firth yeare of his Highnesse Raigne, did appoint your Petitioner to be his Uice Treasurer and general! Receiver of his Revenewes within the faid Realme of Freland, during his Majesties pleasure, with the Fees and profits thereunto belonging, and appointed your Petitioner to bee Treasurer of warres in the said Kingdome by his Majesties Letters of the 13. of June 1632. And whereas your Petitioner did refuse at his follicitation to make a diffuonorable fale of the faid offices, the faid Earle being therewithenraged, and thereupon indeavoring to captivate not onely your Peritioners faid offices, but also his honour and life to his Lord thips power and pleasure; his Lordship in a time of publique peace and ferenity within that Realme the 12. day of December 1635. did call a Councell of warre, and did accuse your Petitioner of some words supposed to be spoken by your Petioner many moneths before, tending in his Lordships firayned constructions to the disturbance of government.

ment, and without allowing your Petitioner liberty of clearing his innocency in a legall manner, or so much as an houres time, to make his just desence, proceeded to sentence at the same time, and although the said supposed words were no waies criminall, yet his Lordship contrary to all justice, did cause the sentence of death to be procured against your Petitioner being a Peere of that Realme, as by the Copie of the said sentence hereunto annexed may appeare.

3

Though his Lordship for the further advancing of his owneends, did partly forbeare the execution of the faid fentence, yet by colour thereof his Lordship forthwith disposed of your Petitioners foot company, and committed your Petitioner prisoner to the Castle of Dublin, where he was continued from the faid 12. of December 1635. untill the 16 day of Aprill 1637. and within that time your Petitioners papers, Cabinets, Trunkes, and other places of his house were strictly searched by some of his greatest Adverfaries by his Lordships direction, and your Petitioner for the space of 20. dayes was kept close prisoner, to the extreame hazard of his life, untill at last he was forced to purchase his liberty by submission to the faid unjust and illegall sentence, and by the accepting of a pardon for the same.

4

His Lordship taking Advantage of your Petitioners condition and indeavouring not onely to justifie

his former proceedings, but also to convict your Petitioner, and render him a delinquent without a defence, did issue a Commission to Commissioners of his owne choice and nomination, who during your Petitioners imprisonment examined divers witnesses touching some misdemeanors falsely charged upon your Petitioner in his office of Vice-treasurer, which being returned, and the essess thereof transmitted into this Kingdome, his Lordship by this and other undue practises brought your Petitioner into disgrace with his Majestie, and thereupon procured the said Offices of Vice-treasurer, Generall Receiver, and Treasurer of Warres to be conferred upon Sir Adam Lostus Knight, who had beene formerly one of your Petitioners accusers.

5.

Whilest thus your Petitioner had his office taken from him, his honour and integrity injuriously calumniated, his liberty restrained, his life not onely fubject to the mercie of the faid Earle, but extremely indangered by a continual fickeneffe caused by his imprisonment by his Lordship; not therewith content, caused an Information to bee preferred against your Petitioner in the Castle Chamber, touching the severall supposed misdemeanors enquired of the said Commissioners, wherein though your Pericioner no way conscious of any guilt, yet finding his counsell: awed by his Lordships power, his Judges to be fuch as were formerly his Inquifitors, the witnesses pre-engaged by an extrajudiciall examination, cou'd expect no leffe than a fentence against him notwithflanding his innocence, your Peritioner was put to this miserable choice, either to suffer continuance

and addition to his miferies, or otherwise to make fuch submission as his Lordship pleased, whereupon your Petitioner was enforced in an ignominious manner to make submission, hoping thereby to purchase his Liberty and goe into England according to his Majesties directions, though by so doing he could not effect the same, but his imprisonment was continued notwithstanding.

6.

Whereas also by the fundamentall lawes of that Realme, as also by his Majesties Declaration publithed in print upon the returne of a Commission & by the advice of many grave & wife Commissioners fent from hence into Ireland for the examination of the greivances of his Majesties subjects in that Realme, the Lord Deputie & Councell are not to meddle upon Titles of inheritance betweene party and party, or in businesse belonging to the Cognizance of other Courts or to alter possession over his Lordship upon a paper petition to him preferred by Richard Rollfton against your Petitioner touching the manner of 1 20% more in the faid faid Realme after 18. yeares quiet possession thereof by your petitioner hath Decreed the faid lands to the faid Rollfon, and by his owne warrant removed your Petitioner out of possession thereof.

and by the Louding. Tower, is the as to

Whereas also by the lawes of that Kingdome, and by the said declaration, proceedings before the Lord Deputy, and Councell for things remediable in other

other Courts by paper Petitios, & the abuses of Habeaccorpus within that Realme are prohibited, yet upon
apaper Petition preferred to his Lordship and the
Councell by, one Walter Peperd touching land of Inheritance in the Petitioners possession, his Lordship
hath retained the said cause for his hearing, notwithstanding your Petitioners legal exception thereunto:
& upon the like paper Petition preferred to his Lordshop, by Arthur Manwaring, his Lordship hath for
divers yeares delayed and frustrate thed benefit of an
execution which your Petitioner had against him for
adebt by bond, & yet there is no end of the said Manmarings vexatious suites before his Lordship, and
such other Referrees as his Lordship appoints.

(8)

His Lordship rated your Petitioner for the payment of his Majesties Subsidies in one 1000 pound in the Kings bookes, whereas men of farre greater visible and knowne estates are not Charged with halfe that proportion, your Petitioners estate being very meane to supply the condition and honours gratiously conferred upon him by his Majestie and his Royall Father in acceptance of his Faithfull services, and his wife and eleven children.

Now for asmuch as your Petitioner is no waies guilty of the crimes, under which hee hath suffered, and yet it hath beene the height of his Lordships endeavour, not onely to bereave your Petitioner of his honour and fortunes, but also (as much as in him laie) of his innocencie, by the said extorted submission, and obtruded

obtruded pardon, he here relinquisheth all advantage by the said pardon, and freely submits the crymes to him imputed to the scrutine and determination of this honorable and impartiall assembly, and for assuch as the oppressions sustained by your Petitioner, doe not onely in the highest degree concerne your Petitioner in his innocencie, liberty and fortunes, but also tend to the publique abuse and scandall of the lawes, liberties and justice of both Realmes, and to the introducing an Arbitrary forme of government, your Petitioner humbly offers the premisses to the consideration of this honorable assembly; and humbly prayes such reperation therein, as to this honorable assembly shall seeme to stand with right and Justice.

And your Petitioner shall daily pray, &c.

FINIS.

hunbrund.

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ARGVMENT

of Law concerning

HIGH-TREASON of

THOMAS

Earle of Strafford:

At a Conference in a Committe of both Houses of Parliament.

By Mr. St. JOHN his Majesties Solicitor

Published by order of the Commons House.



LONDON,

Printed by G.M. for John Bartlet at the figne of the gilt Cup, neare S. Auftins-gate in Pauls Church-yard, 1641.



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OF Law CONCORD.

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M'SIOHN'

Argument.

My Lords,



HE Knights, Citizens, and Burgesses of the Commons House of Parliament, have passed a Bill for the attainting of Thomas Barlesof Strafford of High-Treason. The

Bill hath been transmitted from them to your Lordships. It concernes not him alone, but your Lordships and the Commons too, though in different Respects. Applicated may

--

It is to make him as miserable a man, as man or Law can make him.

Not losse of life alone, but with that, of honour, name, posterity, and estate, Of all thats deare to all.

To use his owne expression, an eradication of him both root and branch, as an Achan, a troubler of the State, as an exe-

crable, as an accurled thing.

This Bill as it concernes his Lordship the highest that can be in the penall part so doth it on the other side as highly contend your Lorships and the Commons in that which ought to be the tendrest, the Judicatory within, that that judge not them who judge him: And in that which is most facred amongst men, the publike Justice of the Kingdome.

The Kingdome is to be accounted unto for the losse of the meanest member, much

more for one fo neare the head.

Account for what is done, your Lordhips

in that which is to be done.

The Businesse therefore of the present Conserence, is to acquaint your Lordships with those things that satisfied the Commons in passing of this Bill, such of them as have come within my capacity, and that I can remember, I am Commanded from the Commons at this time to present unto your Lordships. Abaqles a marship in agood

My Lords, in Judgements of greatest moment, there are but two waies for satisfying those that are to give them, Either the Lex lata, the Law already established, Or els the use of the same power for making new Lawes, whereby the old at first received life.

In the first consideration, of the settled Lawes; In the degrees of punishment the positive Law received by generall consent, and for the common good is sufficient to satissie the Conscience of the Judge in giving

Judgement according to them.

In feverall Countries there is not the fame measure of punishment for one and the fame offence. Wilfull murder in Ireland is Treason, and so is the wilfull burning of a house or stacke of Corne. In the Isle of Man, it's fellony to steale a Hen, but not to steale a Horse; and yet the Judge in Ireland hath as just aground to give Judgement of high Treason in those Cases there, as here to give Judgement onely of Fellony, and in the Isle of Man of Felony for the Hen, as here of pettie Larceny.

My Lords, in the other confideration of using the Supreame power, the same Law gives power to the Parliament to make new Lawes, that enables the inferiour Court to judge according to the old. The rule that guides the conscience of the Inferior Court is from without, the prescripts of the Parlia-



ment and of the Common Law; in the other the rule is from within; That falm populi be concerned; That there be no wilfull oppression of any the fellow members, that no more blood be taken then what is necessary for the Cure, the Lawes and Customes of the Realme as well enable the exercise of this, as of the ordinary and Judiciall power.

My Lords, what hath beene said is because that this proceeding of the Commons by way of Bill implies the use of the meere Legis-Lative power, in respect new Lawes are for the most part past by

Bill.

This, my Lords, though just and Legall, and therefore not wholy excluded, yet it was not the only ground that put the Commons upon the Bill, they did not intend to make a new Treason, and to condemne my Lord of Strafford for it, they had in it other Considerations likewise, which were to this effect.

First, the Commons knew that in all former ages, if doubts of Law arose upon cases of great and generall Concernement; the Parliament was usually consulted withall for resolution, which is the reason that many Acts of Parliament are onely declarative of the Old Law, not introductive of a new, as the great Charter of our Liber-

tics;

ties; the Statute of the five and twentieth yeare of Edward the third, of Treasons; the Statute of the Prerogative, and of late the petition of right. If the Law were doubtfull in this Case, they conceived the Parliament (where the old may be altered, and new Lawes made) the fittest Judge to cleare this doubt.

Secondly, my Lords, they proceeded this way to out those scruples and delaies which through difuse of proceedings of this nature might have risen in the manner and . way of proceeding, fince the Statute of the first of Henery the fourth, the seventeenth Chapter, and more fully in the Roll, number 144. The proceedings in Parliament have usually beene upon an Inditement first found, though in Cases of Treason particularly mentioned in the Statute of the five and twentieth yeare of Edward the third, which had not been done in this Cafe: Doubts likewise might rise for Treasons, not particularly mentioned in the Statute of 25. Edw. 3. whether the declaratory power of Parliament be taken away, and if not taken away, in what manner they were to be made and by whom. They finde not any Attainders of Treafon in Parliament for neare this 200 yeares, but by this way of Bill. And againe, they knew that what foc. ver could be done any other way, it might be done by this. Thirdly,



Thirdly, in respect of the proofes and depositions that have beene made against him; for first, although they knew not but that the whole Evidence which hath beene given at the Barre, in every part of it is sufficiently comprehended within the Charge, . yet if therein they should be mistaken, if it should prove otherwise, use may justly be made of fuch Evidence in this way of Bill, wherein so as Evidence be given in, it's no way requifite that there should have beene any Articles or Charge at all. And fo in the Case of double, Testimony upon the Stature of the first of Edward the fixt, whether one direct witnesse with others to Circumstances, had been single or double testimony; and although fingle Testimony might be fufficient to fatisfie private Consciences, yet how farre it would have beene fatisfactory in a judiciall way where formes of Law are more to be flood upon was not fo cleare, whereas in this way of Bill private fatisfaction to each mans Conscience is sufficient, although no Evidence had beene given in at all.

My Lords, the proceeding by way of Bill, it was not to decline your Lordships Instice in the judiciall way; In these Exegencies of the State and Kingdome, it was to husband time by silencing those doubts, they conceived it the speedicst and the surest way.

My Lords. These are in effect, the things the Commons rooke into their Consideration, in respect of the manner, and way of proceeding against the Earle. In the next place I am to declare unto your Lordships, the things they tooke into their consideration, in respect of the matter and merits of the Cause, They are comprehended within these 6. heads.

1. That there is a Treason within the Statute of 25. E.3. by Levying of warre upon

the matter of the fifteenth Article.

yet by advising and declaring his intention of warre, and that by Savils warrant, and the advice of bringing over the Irish Army, upon the matter in the 23. Article, The intending of a Warre if not within the Clause of Levying Warre in the Statute of 25. E.3. yet within the first Treason of compassing the death of the King.

3. If neither of these two single Acts be within the Statute of 25. E. 37 year upon purting all together, which hath beene proved against him, That ther's a Treason within the first clause of compassing the death of the King.

Et si non prosunt singulajunctajuvant.

4. That he hath fessed and laid Souldiers upon the Subjects of Ireland against their will, and at their Charge, within the Irish Statute, of the eighteenth years of B



thing are within the Statute, That the Statute remaines in force to this day, That the Parliament here hath Cognizance of it. And that even in the ordinary way of Judicature, that if there be a Treason, and a Traitor, that the want of jurisdiction in the Judicall way, may justly be supplied by Bill.

fundamentall Lawes and Government of the Realmes of England and Ireland, and instead thereof, to introduce a tyranicall Government against Law, is Treason by the Common Law. That Treasons at the Common Law are not taken away by the Statutes of 25. E. 3. 1. H. 4. c. 10. 10 Mar. c. 1. nor any of them.

6. That as this Case stands, It's just and necessary to resort to the Supreame power in Parliament, in case all the rest

should faile.

Of these six, sive of them are Treason, within the Compasse of the Lawes already established, Three within the Statute of 25.E.3. One within the Irish Statute, the other by the Common Law of England.

If but any one of these 6. Considerations hould, The Commons conceive that upon the whole matter they had good cause to passe the Bill.

My Lords, for the first of levying Warre, I shall make bold to read the Case to your The Case. Lordships before I speake to it, itsthus.

The Earle did by warrant under his hand and Seal give authority to Robert Savilla Serjeant at Arms, and his Deputies to leffe fuch number of Souldiers, horse and foote of the Army in Ireland together with an officer, as the Serjeant should thinke fit, upon his Majestles Subjects of Ireland against their will: This warrant was granted by the Earle to the end so compell the Subjects of Ireland to fubmit to the unlawfull Summons and orders made by the Earle upon paper Petitions exhibited unto him in case of private Interest betweene party and party; This warrant was executed by Savill and his Deputies by feffing of Souldiers both horse and foote, upon diverse of the Subjects of Ireland against their will in warre-like manner, and at divers times the Souldiers continued upon the parties upon whom they were felfed, and wasted their goods, untill fuch time as they had fubmitted themselves unto those Summons and orders.

My Lords, This is a levying of warre within the statute of 25°.E.3. The words of the Statute are, If any man doe levy warre against our Lord the King in his Realm, this is declared to be Treason.

I shall indeavour in this to make it appeare to your Lordships.

What



What shall be a levying of Warre, in re-

What shall bee said a levying of warre in respect of the Action or thing done.

And in the third place, I shall apply them

to the present Case.

3.

It will be granted in this of levying of warre, That forces may be raised, and likewise used in a warre-like manner, and yet no levying of warre within the Statute, that is, when the forces are raised and imployed upon private endseither of revengeor interest.

Before this Statute in E. 1. times The Title of a Castle was in difference between the Earles of Hereford and Gloster, for the mainetaining of the possession on the one side, and gayning of it on the other, Forces were raised on either side of many hundred men, they marched with Banners displayed one against the other. In the Parkliament in the 20. yeere of Edw. 1. this additudged onely trespasse, and either of the Earle fined a 1000 markes a peece.

After the Statute in Hillary Terme, the fiftieth years of Edward the third. I in the Kings Bench, Rot. 3. Nicholas Huntercomes in a warre-like manner, with 402 men armed, amongst other weapons, with Gunnes, (so antient as appeares by that Record) they were, did much spoyle in the Mannor of the Abbes of Darchester, in the

County

county of Oxford: This no Treason: So it hath beene held by the Judges, that if one or more Townschips upon pretence of saving their Commons, dee in a forecible and warre-like manner, throwe I in Inclo-fures; This is onely a Riot, noe Treason.

The words of the Statute of as, E. 3. cleare this Point, that if any man dide armed openly or fecretly with men at Armes against any other to kill and robbe, or to detaine him untill hee hath made fine and ransome for his deliverance; this is declared not to bee Treason, but Fellony or Trespasse, as the case shall require, all the printed Statutes which have it covertly or secretly are mis-printed; for the words in the Parliament Roll, as appeares n. 17 are Discoverement on secretized.

warre, the Act is not formuch to bee confideted, but as in all other Treasons and Fellonies, que latime, with what intent and

purpose.

My Lords, If the end bee confiderable in levying warred it may bee faid, that it cannot bee a Treason warred unless against the King: For the wordes of the statute are, if any man levy warre against the King.

That these words extend surther thepto Answ.



objest.

the Person of the King appeares by the wordes of the Statute, which in the beginning declares it to be Treason to compasse and imagine the Kings death, and assert other Treasons, this is to be declared to be Treason, to levy warre against the King. If the levying of warre extend no surther then to the person of the King. These words of the Statute are to no purpose, for them the first Treason of compassing the Kings death had fully included it before, because that hee which levies warre against the person of the King doth necessarily compasse his death.

Itsa warre against the King when intended for alteration of the Lawes or Government in any part of them, or to destroy any of the great Officers of the Kingdome. This is a levying of Warre against the King.

Because the King doth protect and maintaine the Lawes in every part of them, and the great Officers to whose care hee hath in his owne feede delegated the Execution of them.

I.

Because they are the Kings Lawes, Hee is the Fountaine from whence in their severall Channels, they are derived to the Subject, all our inditements runthus, Trespasses laied to bee done, Contrapacem Domini Regis, the Kings peace for exorbitant offences, though not intended against the Kings Person.

Person, against the King his Crowne and

Dignity.

My Lords, this confirmation is made good by diverse Authorities of great weight ever fince the statute of 25.E.3.down-wards.

In R. the 2ds, time Sir Thomas Talbot conspired the death of the Dukes of Glocester and Lancaster, and some other of the Peeres, for the effecting of it, free had caused diverse people in the County of Chester to bearmed in warre-like manner, in Assemblies. In the Parliament held the seventeenth yeere of Richard the fecond, number the 20. Sir Thomas Talbot accused of high Treason for this; Its there declared, that infomuch as one of them was Lord high, Steward of England, and the other high Constable of England, that this was done in destruction of the estates of the Realme, and of the Lawes of the Kingdome, and therefore adjudged Treason; and the judgement sent downe into the Kings Bench, as appeares Easter-Tearme in the seventh yeere of Richard the second in the Kings Bench, Rott. 16. These two Lords had appeared in the eleventh yeere of Richard the fecond in mainetenance of the Act of Parliament made the yeare before, one of them was of the Commissioners appointed by Parliament, and one of the Appellours of those that would have overthrowne it; The Duke of Lancafter likewise was one



of the Lords that was to have beene indided of Treason for endeavouring the maintenance of it, and therefore conspiring of their deaths is said to be in destruction of the Lawes; This there declared to bee a Treason that concerned the Person of the

King and the Common-wealth.

In that great infurrection of the Villains and meiner people in Richard the seconds time, they tooke an oath, Quod Regi & Comunibus fidelitatem servarent, to bee true to the King and Commons, that they would take nothing but what they paid for, punished all theft with death, heere's nointendment against the person of the King, The intent was to abolish the Law of villinage and servitude, to burne all the Records, to kill the Judges, this in the Parliament of the fifth yeere of Richard the fecond, number the one and thirtieth and two and thirtieth, the first part, is declared to be Treason against the King and against the Law.

In the eleventh yeere of Richard the fecond, in Parliament the raising of forces again't the Commissioners appointed by act of Parliament the yeer, before adjudged Treason by all the Judges.

that if twelve or more shall indeavour by force to alter any of the Lawes or Statutes of the Kingdome, hee shall from such a

time

time there limited bee adjudged onely as a fellon; This act was to continue but to the next Parliament, it is expired; it shewes by the words onely that the offence was higher beforethe ma-

king of it.

My Lords, In Queene Elizabeths time, Grant and diverse Prentices of London to the number of 200, role and affembled at Tower-hill, carried a Cloake upon a Pole infleede of a banner, their intent was to deliver divers Prentices out of prison that had beene committed upon a sentence in Star-Chamber for ryots, Tokill the Lord Major of London, and for fetting prices on victuals. In Trinity Tearme 37. Eliz. divers of the Iudges confulted withall, and refolved that this was a levying of warre against the Queene, being intended against the government and officers of the Queen, and thereupon Grant and others executed as Traitors. a zi zhiu ; moda vo nobuosxo

Afterwards in that Queenes time, divers of the County of oxford consulted together to goe from house to house in that County, and thence to London and other parts to excite them to take Armes for the throwing in of all inclosures throughout England, nothing was done, nor no Assembly: The Statute of 13. Eliz. cap. 1. during the Queenes life made it Treason to intend or advise to levy waragainst the Queen.



In Eafter Tearme, 39. Eliz. All the lud. ges of England met about the case, it was resolved by them, that this was a warre intended against the Queene, they agreed that if it had beene of one Township or more upon private interest and claime of right of Common, it had not been Treafon; But this was to throw in all inclofures thorough the Kingdome, whereto these parties could pretend no claime that it was against the Law, in regard that the Statute of Merton gave power of Inclofures in many Cases. Upon this Resolution Bradham and Burton were executed at Agnestone hill in Oxford shire, the place where they intended their first meeting.

So that, my Lords, if the end of it be to overthrow any of the Statutes, any part of the Law and fetled Government, or any of the great Officers intrusted with the execution of them; this is a warre against

the King.

My Lords, it will be further confiderable, what shall be accounted a leavying of warre in respect of the Actions and things done; There's a designe to alter some part of the Lawes and present Government, for the effecting thereof people bee provided of Armes, gathered together into troopes, but afterwards march not with Banners displayed, for doe Bellum percutere. Whether the arming

arming themselves and gathering together upon this Designe, whether this be a warre or such prosecution of the Designe with force as makes it Treason within the Statute?

First, If this be not a Warre in respect that it necessarily occasions hostile preparations

on the other fide:

2. From the words of the Statute, shall levy warre, and bethereof probably attainted of open Deed by people of their Condition, although the bare conspiring be not an open Deed, yet whether the arming and drawing men together be not an open Declaration of Warre?

In Sir Thomas Talbots case before cited in the seventeenth yeere of Richard the second, The Acts of sorce are expressed in the Parliament Roll. That hee caused divers of the people of the County of Chester to be armed in a warre-like manner in assemblies; heere is no marching, no banners displayed.

In the eight yeare of Henry the 8th. William Bell and Thomas Lacy in Com' Kano. conspired with Thomas Cheney, called the Hermite of the Queene of Faires to overthrow the Lawes and customes of the Realme, and for the effecting of it, they with two hundred more met together, and concluded upon a course of raising greater forces in the county of Kent, and the adjacent Shires, this adjudged Treason, these were open Actes.



My Lords, for the application of both

these to the Case in question.

First in respect of the end of it, here was a warre against the King, It was to subvert the Lawes. This being the designe, for the effecting of it, he assumed to his owne person, an arbitrary power over the lives, liberties and estates of his Majesties Subjects, and determined Causes upon paper petitions at his owne will and pleasure, obedience must be forced by the Army, this declared by the Warrant.

My Lords, if it be said, That the Warrant expresses not any intent of subverting the Lawes, It expresses fully one of the principal meanes whereby this was to be done, that is, obedience to his arbitrary orders upon paper petitions, this was done in

reference to the maine designe.

In the Cases of the Towne of Cambridge and St. William Cogan, that have formerly beene cited to your Lordshippes, upon other occasions, the things in themselves were not Treason, they were not a levying of Warre.

In that of Cambridge, the Towne met together, and in a forcible manner broke up the University treasury, and tooke out of it the Records and Evidence of the liberties of the University over the Towne.

In the other, they of Bridgewater marched to the Hospitall, and compelled the

Mafter

Master of the Hospitall to deliver unto their certaine. Evidences that aconcerned the Towne, and forced him to tener into about of two hundred pounds about you committee in the certain of the hundred pounds about your committee in the certain the certain to a bound the certain the

These, if done upon these private ends alone, had not beene Treason, as appeares by the very words of the Statute of 25, Edw.

3. before mentioned of marching openly

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or fecretly.

But my Lords, these of Cambridge and Bridgewater, they were of the conspiracy with the villaines, as appeares in the Parliament Roll of the first years of Richard the second, number the one and thirtieth, and two and thirtieth, where the Townes of Cambridge and Bridgewater are expressely excepted out of the general pardon made to the Villaines. This being done in Reference to that designe of the villains of aftering the Lawes, this was that which made it Treason.

If the designe went no further then the enforcing obedience to these paper orders made by himselfe, It was sufficient, it was to subvert one fundamentall part of the Lawes, nay in effect the whole Law, what use of Law if hee might order, and determine of mens estates at his owne pleasure; This was against the Law notoriously declared in Ireland.

In the close roll in the Tower, in the five and twentieth yeare of Edw 1. 4 Writ went



to the Justices in Ireland, (that Kingdome at that time was governed by Justices) declaring that upon petitions they were not to determine any titles betweene party and bar ty upon any pretence of profit whatfoever to the King.

In the eight and twentier h yeare of Hem? the fixt the fecond Chapter, Suites in equiry, not before the Deputy, but in Chancery, Suits at Common Law, not before him, but in Cases of life in the Kings Bench, for title of land or goods in the proper Courts of the Common pleas, or Kings Bench. 1971 11201

This declared in the Instructions for Ireland in the latter end of King James his time, and by the Proclamation in his Majesties time, my Lord took notice of them, called the Commissioners narrow hearted Commissioners.

The Law faid, he should not thus proceed in subversion of it, he saith, he will, and will enforce obedience by the Army. This is as much in respect of the end as to endeavour the overthrow of the Statutes of Laborers, of victualls, or of Merten for Inclosures. Here is a warre against the King in respect of the end.

In respect of the Actions, whether there be either a levying of warre, or an open deed, or both.

My Lords, there was an Army in Ireland at that time of two thousand horse and foot, by this Warrant there is a full designation of this whole Army, and an Assignament of it over unto Savill for this purpose. The Warrant gives him power from time to time to take as many Souldiers; horse and foot, with an Officer, throughout the whole Army as himselfe shall please, heere is the terrour and awe of the whole Army to enforce obedienced My Lords if the Earle had armed two thousand men, horse and foot, and formed them into companies to this cild, your Lordships would have conceived that this had been a warre, It's as much as in the case of Sir Thomas Tall but who armed them in assimilary would

This is the fame with a breach of trust added to it. That Army was first raised and afterwards committed to his stuft for defence of the people, is now destined by him to their destruction. This assignation of the Army by his Warrant under his hand and seale is an open A&.

My Lords, heer's not onely an open actdone, but a levying of warre, Souldiers bothhorse and foor, with an Officer in warlicke manner sessed upon the Subject, which killed their Cattell, consumed and wasted their goods.

O, but five or fixe were the most im- ob. imployed at any time, a mighty warre of fix men, scarce a Ryot.

Your Lordships observe a great diffe-



rence where fix fingle men goe upon a del figne alone, and when fent from an Army of fix hundred, all engaged in the fame fervice, fo many were fent as were fufficient to execute the Command, if upon a poore man fewer, more upon a rich, if the fix had not beene able, the whole Army must make it good; the reason that the Sheriffe alone, or but with one Bayliffe to doe execution, is, because hee hath the Command of the Law, the Kings Writ and the pose; Comitatus in case of Resistance; heer's the warrant of the Generall of an Army, heer's the posse exercisus, the power of the Army, under this awe of the whole Atmy, fix may force more then fixty without it, and although never above fix in one place, yet in the feverall parts of the Kingdome at the fame time might be above fixty; for sessing of Souldiers was frequent, it was the ordinary course for execution of his orders.

The Lord Lievetenant of a County in England hath a designe to alter the Lawes and government, nay admit the designe goes not so high, hee onely declares thus much, that he will order the freeholds and the estates of the Inhabitans of the County at his owne will and pleasure, and doth accordingly proceed upon paper petitions, foreseeing there will be disobedience; he grants out warrants under his hand and seale

to the deputy Lievetenants and Captaines of the traine bands, that upon refufall they hall take fuch number of the traine bands thorow the County with Officers, as they shall think good, and lay them upon the lands and houses of the refusers; Souldiers in a warlike manner are frequently fessed upon them acccordingly. Your Lordships doe conceive that this is a levying of Warre within the Statute.

The Case in question goes further in these

two Respects.

That it is more against the declared Law in Ireland, not onely against the Common Law, but likewise against the Statute of the eight and twentieth yeare of Henry the fixt, against the Acts of the Commissioners, against Proclamations in pursuance of the Law, against that himselfe took notice of. Narrow hearted Comiffioners.

In this that here was an Army, the Souldiers, Souldiers by profession, Acts of hostility from them of greater Terror then from free-holders of the same County.

My Lords, I have now done with the first

of levying warre. The fecond is the machination, the adviling of a warre; The Case in this rests upon the Warrant to Savill, and the advice in the 23 Article, son or sel

The Warrant shewes a resolution of employing the old Army of Ireland, to the oppreffion



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pression of his Majeries Subjects and the Lawes, he trained bands, the trained bands, the trained bands are trained by the trained bands are trained by the trained bands are trained by the trained by t

In the 23 Article having told his Maje fly that he was loofed and absolved from rules of Government and might doe every thing which power might admit, hee proceeded further in speech to his Majesty, in these words; You have an Army in Ireland You may employ to reduce this Kingdome.

My Lords, both being put together, ther's a machination, a practife, an advise to levy warre, and by force to oppresse and destroy

his Majesties Subjects.

object.

It hath beene faid, the Statute of 25.

Edm.3. is a penall Law, and cannot bee taken by equity and Construction, there must be an actuall warre; the Statute makes it Treason to counterfeit the Kings Coyne, the conspiring, the raising of surnaces is no Treason, unlesse he doth nummum percutere, actually coyne.

Anfw.

My Lords, this is offely said, not proved, the Law is otherwise, 19. of Henry the sixt, fol. 47. there adjudged that the conspiring and ayding to counterfeit coyne was Treason, and Iustice Stamford, fol. 2. & 44. is of opinion, That this or comprising to counterfeit the great Seale is Treason, The Statute is, If any shall counterfeit the great Seale, conspiring to doe it by the book is Treason; if a man take the broad Seale from one Pattent and put it is another, here

(633)

here is no counterfeiting, its tomerous, and therefore Treaton, as is adjudged in z. Henry 4, fo. 25. and by the opinion of

Stamford,

If machination or plotting a warte be not within that clause of the Statute of levying warre, yet its within the first of compassing the death of the King, as that which necessarily tends to the destruction both of the King and of the people, upon whose safety and protection he is to engage himselfe: That this is Treason hath beene adjudged both after the Statutes of the first of Henry the fourth Chapter the tenth & the first of Queene, Mary the first, Chapter, fo much infifted upon on theother fide. In the third yeare of King Henry the fourth, one Balfhall comming from London, found one Barnard at plough in the Parish of Ofley in the County of Hersford, Bernard asked Balshall, what newes, he told him the newes was; That King Richard the fecond was alive in Scotland (which was falle, for he was then dead) and that by Midsomer next he would come into England; Bernard asked him, what was belt to be done, Ballhall anfwered, get men, and goe to King Richard. In Michaelmas Tearme, in the third yeare of Henry the fourth in the Kings Bench, rot. 4. this advise of warre adjudged Treason.

In Queene Maries time, Sir Nicholas Throckmerton conspired with Sir Thomas



alteration in Religion, he joyned not with him in the execution. This Conspiracy alone declared to be Treason by the Judges. This was after the Statute of the first of Queene Mary so much insisted upon. That Parliament ended in october, this opinion was delivered the Baster-Tearme after, and is reported by Justice Dyer, fo. 98. It's true, Sir Thomas Wyat afterwards did levy warre, Sir Nicholas Throgmorton hee onely conspired, this

adjudged Treason.

Storie, in Queene Elizabeths time, praclifed with Forreiners to levy warre within the Kingdome, nothing done in purfuance of the practife. The intent without any adhering to Enemies of the Queene or other cause, adjudged to be Treafon, and he executed thereupon. It's true my Lords, that yeare 13. Elizabeth by Act of Parliament, it's made Treason to intend the levying of warre, this Cafe was adjudged before the Parliament. The Cafe was adjudged in Hillary Terme, the Parliament began not untill the Aprill following; This my Lords, is a Cafe adjudged in point, That the practifing to levy warre, though nothing be done in execution of it is Treason.

It may be objected that in these Cases, the conspiring being against the whole King-

dome

object.

dome included the Queene, and wasa compaffing her destruction, as wel as of the Kingdomes, heere the advise was to the King.

The Answer is, first, that the warrant was unknowne to his Majesty, that was a machi- Answ.I. nation of warre against the people, and Lawes, wherein his Majesties person was en-

gaged for protection.

That the advice was to his Majesty, aggravates the offence, it was an Attempt not only upon the Kingdome, but upon the Sacred Person, and his office too; himselfe was host is patrie, he would have made the Father of it fo too; nothing more unnarrall, more dangerous; To offer the King poyfon to drink, relling him that it is a Cordiall, is a compassing of his death. The poyson was repelled, there was an antidote within, the malice of the giver beyond expression. The perswading of Forreiners to invade the kingdome holds no proportion with this: Machination of warre against the Lawes or kingdome is against the King they cannot be severed.

My Lords, if no actuall warre within the The 3. Ge-Statute, if the counfelling of a warre, if neither nerall Head of these fingle Acts be Treason within the Statute; The Commons in the next place have taken it into their confideration, what the addition of his other words, Counfells, and Actions do operate in the Cafe, and have conceived, That with this addition all being

2.

put



put together, that he is brought within the Statute of 23. Edward 3.

The words of the Statute are, if any man shall compasse or imagine the death of the King, the words are not, if any man shall plot or consult the death of the King, no my Lords, they go surther then to such things as are intended immediately, directly, and determinatively against the life and person of the King, they are of a larger extent, to compasse is to doe by Circuit, to consult or practice another thing directly, which being done, may necessarily produce this effect.

However it be in the other Treasons within this Statute, yet in this by the very words there is roome lest for constructions, for necessary Inscrences and Consequences.

What hath beene the judgement and practice of former times concerning these words of compassing the Kings death will appear to your Lorships by some Cases of attain-

ders upon these words.

One owen in King games his time in the 13. yeare of his raigne at Sandwich in Kent, spake these words, That King games being excommunicated by the Pope, may be killed by any man; which killing is no murther: being asked by those he spake too, how he durst maintaine so bloody an affertion, hee answered that the matter

was not so heynous as was supposed for the King who is the lesser is concluded by the Pope who is the greater, and as a Malefactor being condemned before a Temporall Judge may be delivered over to be Executed, so the King standing convicted by the Popes sentence of excommunication may justly be slaughtered without fault, for the killing of the King is the execution of the Popes supreame sentence, as the other is the execution of the Law; for this, judgement of High-Treason was given against him, and execution done.

My Lords, here is no cleere intent appearing that Owen defired the thing should bee done, onely Arguments that it might bee done, This is a Compassing, there is a cleare Endeavour to corrupt the judgement, to take off the bonds of Conscience, the greatest security of the Kings life; God forbid saith one of better judgement then he, That I should stretch our my hand against the Lords annointed, no saith he, the Lord doth not forbid it, you may for these reasons lawfully kill the

King.

He that denies the Title to the Crowne, and plots the meanes of setting it upon another head, may doe this without any direct or immediate desiring the death of him that then weares it, yet this is Treafon as was adjudged in 10. Henry 7. in the



case of Burton and in the Duke of Norfolkes

cale.13. EliZabeth.

This is a compassing of his death, for there can no more be two Kings in one Kingdome, then two funnes in the Fire mament, he that conceives a title, counts it worth ventring for, though it cost him his life, hee that is in possession thinkes it as well worth the keeping. John Sparhauke in King Henry the fourths time, meeting two men upon the way, amongst other talke faid, that the King was not rightfull King, but the Earle of March, and that the Pope would grant indulgencies to all that would affift the Earles title, and that within halfe a yeare there would be no Liveries nor Conizances of the King, that the King had not kept promise with the people but had layed taxes upon them. In Easter Tearme in the third yeare of Henry the fourth in the Kings Bench Rot. 12. this adjudged Treason. This denying the title with motives though but implyedly of Action against it, adjudged Treason, this is a compassing the Kings death.

How this was a compassing the Kings death is declared in the reasons of the judgement, That the words were spoken with an intent to withdraw the affections of the people from the King, and to excite them against the King, that in the end they might rise up against him in mortem & destructionem of the King.

My Lords, in this Judgement and others which I shall cite to your Lordships. It appeares that it is a compassing the Kings death by words, to indeavour to draw the people shears from the Kings to fee discord between the King and them, whereby the people should leave the King, should rife up against him to the death and destruction of the King.

that this is Treaton, but what is sufficient cylence to make this good at he collect the

Upon a Commission helds the 18 years of Ed.4. in Kens, before she was preferred against John Awater of High-Treason, in the forme before mentioned, for words, which are entred in the endiment stab has forma. That he had been servant to the Earle of Warmick, than though he were dead the harle of Oxford was alive, and should have the government of part of the Country. That Edward whom you call King of England was a sufferment and had by art and subtiley slain the Earle of Warmick, and the Duke of Clarence his brother without any cause, who before had been both of them attainted of High-Treason, and shairs,

My Lords, this Indicement was resurred into the Kings Bench in Tright Tearms in the eighteenth years of Edwardshe fourth, and in Eafter Tearms in the two and twentieth years of Edwardshe fourth he was out lawed by the flay of the outbury of Jong

mont



is seemes the Judges had well advised be-

At the fame Seffion, Thomas Heber was indired of Treason for these words The the last Parliament was the most simple and insufficient Parliament that ever bad beene in England. That the King was gone to live in Keney because that for the present the had not the tope of the CitiZentinf London, nor finald bechave it for the futile . That if the Bishop of Bath and Wells were dead, the Arch Bishop of Canterbury, being Cardinall of England, would immediately loofe his beads. This Inditement was returned into the Kings Bench in Trinity Teamne in the eighteenth yeare of Edward the fourth. Afterwards there came a Privy Seale to the Indges to refor the proceedings, which as it should feetie was to the intent the ludges might advisc of the Case, for afterwards he is outlawed of high-Treason upon this inditement.

These words were thought sufficient evidence to prove these severall Inditements. That they were spoken to withdraw the peoples affection from the King, to excite them against him, to cause risings against him by the people in more ordestructions of the King. Your Lordships are pleased to consider that in all these Cases, the Treason was for words only, words by private persons, and in amore private manner, but once spoken and no more, only amongst the people, to excite

them

them against the King of tom spind y

My Lords, here are words, Counsells more then words, and actions rod, not only to differenthe people to the King blue the King likewise rowards the people, not once there is ten, not in private, but in places most publique not by a private per fon, but by a Counsellon of State, a Lord Lewetenant, a Lord President, a Lord Deputic of Ireland.

actived to supply bimy a stander upon all the Commons of England in their affections to the King and Kingdome, in resulting to yeeld timely supply for the inecessives of the King and Kingdome, and to an to an inexpense.

ablelved from rules of government, and was to decruery rhis what power would admit, My Lords, more cannot be faid, they cannot be aggravated, whatever I should say would be in diministion.

Thence, Tou bave in Army in Ireland, you may imply to reduce this Kingdome?

To counfell a King not to love his people is very unnaturall, it goes higher, to have them, to malice them in his heart; athe highest expressions of malice to destroy them by was: These coales slicy were tast upon his Majesty, they were blowned they could not kindle in that brest. I of the last a good to A.

Thence, my Lords, having done the utmost tache King he goes to the people: At Tolk the E 3 Country

3.



Country being met together for Justice, at the open Assizes upon the Bench, he tells them, speaking of the Justices of the Peace, that they were all for Law, nothing but Law, but they should find that the Kings little singer should be heavier then the loines of the Law.

the people, a Privie Counsellor; this must be either to traduce his Majesty to the people as spoken from him, or from himselfe, who was Lord Leivetenant of the County and President, intrusted with the forces and Justice of those parts, that he would imploy both this way; add, my Lords, to his words there the exercising of an arbitrary and vast Jurisdiction before he had so much as Instructions or colour of warrant.

Thence, we earry him into Ireland, there he represented by his place the facred person

of his Majesty.

that Kingdome, whether the Subjects of that Country came for Justice, in an Assembly of Pecres and others of greatest ranke, upon occasion of a Speech of the Recorder of that City touching their Franchises and Legall Rights, he tells them, that Ireland was a Conquered Nation, and that the King might do with them what he pleased.

2. Not long after, in the Parliament 20. Car. in the Chaire of State, in full Parliament, 2-gaine, That they were a conquered Nation, and

that

that they were to expect Lawes as from a Conqueror, before, the King wight do with them what he would, now, They were to expect it, that be would put this power of a Conqueror in execution. The Circumstances are very considerable, in full Parliament, from himselfe in Cathedra, to the sepresentative body, of the whole Kingdome.

The occasion adds much, when they defire the benefit of the Lawes, and that their Caufes and Suites might be determined according to Law, and not by himselfe, at his will

and pleasure upon paper Petitions.

3. Upon like occasion of pressing the Lawes and Statutes, That he would make an Att of counsell board in that Kingdome as binding as an

Act of Parliament.

4. He made his words good by his actions, assumed and exercised aboundlesse and law-lesse Jurisdiction over the lives, persons, and estates of his Majesties Subjects, procured judgement of death against a Peere of that Realme, commanded another to be hanged, this was accordingly executed, both in times of high Peace, without any processe or co-lour of Law.

yarne and flax of the Subjects, to the starving and undoing of many thousands, besides the Tobacco businesse, and many Monopolies, and unlawfull Taxes, forced anew Oathrost to dispute his Majesties royall commands, de-



tal Head.

pleasure upon paper Petititions to himselfe, forced Obedience to these, not only by Pines and Imprisonment, but likewise by the Anamy, sessed Souldiers upon the refusers in a hostile manner.

the two Kingdomes of England and Scotting

My Lords, we shill leave it to your Lord-Thips Judgements, whether thele words, Counfells, and Actions would not have been a sufficient Evidence to have proved an Inditement drawne up against him, as those before mentioned, and many others are; That they were spoken and done to the intent to withdraw the Kings heart from the people, and the affections of the people from the King, that they might leave the King, and afterwards rife up against him to the destruction of the King; if so, here is a compaifing of the Kings death within the words of the Starte of the five and twentieth yeare of Edward the third, and that warranced by many former judgements.

The 4.Generall Head, My Lords, I have now done with the three Treasons within the Statute of the five and twentieth of Edward the third. I proceed to the fourth upon the Statute of the eighteenth years of Henry the fixt, Chapter the third in Ireland; I shall make bold to read the words to your Lordships,

That no Lord, nor any other of what condition

(oever

forver he be, stall bring or lead boblers, kerives, or hooded men, nor any other people, non horfes to licen horseback or on foot upon the Kings Subjects with an their good wills and consens, but upon their own costs, and without hurt doing to the Common land if any so do he shall be judged as Traiter.

1. The Argument that hath been made concerning the Person, That it extends not to the
King, and therefore not to him weighs not
thing with your Lordships Rex non haber in
regno parem, from the greatnesse of his office
to argue himselfe into the same impossibiliry with his facred Majesty of being uncapable of High-Treason, it's an Offence, no reason; The words in the Statute, No Lord
nor any other of what condition soever he be, in-

cludes every Subject.

In Thinky Terme in the three and thirtieth yeare of Henry the eight, in the Kings Bench Leonard Lord Gray, having immediately beforebeen Lord Deputy of Ireland, is attainted of High-Treason, and judgement given against him for letting diverse Rebels out of the Castle of Dublin, and discharging Irish hostages and pledges that had been given for fecuring the Peace, for not punishing one that faid the King was an Heretique! I have read the whole Records ther's not one thing laid to his charge but was done by him as Lord Leiverenant : He had the same Plea with my Lord of strafford, That these things were no adhering to the Kings Enemies, but were



were done for reasons of State. That he was not within those words of the Sature of the five and twentieth years of Edward the third, himselfe being Lord Lieutenant there, they coll his life.

object.2. It hath been faid, That the Souldiers, seffed upon the Subjects by him, were not such performs as are intended by that Starute, Mehlers, Kanute, and thodded men, these rascall peo-

thing with your Lord floor Ken non bales 19

My Lords, they were the names given to the Souldiary of those times, Hoblers horse-men, the other the foot, but the words of the Statute goe further, Nor any other people, weither horse nor foot, his Lordship sessed upon them both horse and foot.

or bring, Savilled them, my Lord only give the warrant.

To that I shall say only thus, plus pecsat author quam actor, by the rule of Law, agentes or consentientes pari pletsuntur pand, if consent, much more a command to doe it, makes the commandor a Traitor. If there be any Treason within this Statute, my Lord of Strafford is guilty.

It hath been therfore faid, That this Statute like Galiah's (word hath beene wrapt up in a cloth and laid behind the doore, that it hath never been put in execution.

My Lords, if the Cleark of the Crowne in Ireland had certified your Lordships that

Answ.

object.3.

Anfw.

Anfw.

that upon search of the Judgements of Attainders in Ireland, he could not finde that any man had bin attainted upon this Statute, your Lordships had had some ground to beleeve it, yet its onely my Lord of Strafferds affirmation: Besides your Lordships know that an A& of Parliament binds untill it becrepealed.

It hath bin therefore faid, that this Statute is repealed by the Statutes of the eight yeers of Edward the fourth, the first Chapter, and of the tenth yeers of Henry the seventh, the two and twentieth Chapter, because by these two Statutes, the English Statutes are brought

into Ireland.

The Argument, (if I mistook it not,) stood thus; That the Statute of the first of Henry the sourch, the 10. Chapter, saith, that in no time to come, Treason shall be adjudged otherwise, then it was ordained by the Statute of the 25. yeare of Edward the third, That the Treason mentioned in the 18 years of Henry the fixt in the Irish Statute is not contained in the Stat. of the 25 years of Ed. the 3 and therfore being contrary to the Statute of the first of Henry the sourch, it must needs be void.

My Lords, the difference of the times whering the Statute of the first years of Henry the fourth, and that of the 18 years of Henry the fixt were made, cleares the Point, as is humbly conceived; that of Henry the fixt was made 40 years after the other.

Statute

The Sexuae of the eighth years of Ed.

and the fourth, and the tenth of Henry
the seventh, bringing in the English Statutes in order and series of time, as they
were made one after another (as afterwards
is prooved they did) it cannot be that the
Statute of the first yeers of Henery the fourth
made fourty yeers before, should repeals or
make void the Statute of the 18.H.6. made so
long after. The rule of Law is that Leges
posteriores priores abrogant, that latter lawes
repeals former, but by this construction a
former Lawe should repeals and make
voide a Non ens, a Statute that then was
not.

If this were Lawe, then all the Statures that made any new Treason after the first yeere of Henery the fourth were voide in the very fabricke, and at the time when they were made, hence likewife it would follow that the Parliament now upon what occasion soever hath noe power to make any thing Treafon not declared to bee so in the Statute of the five and twentieth yeere of Edward the third; This your Lordshippes eafily fee would make much for my Lord of Straffords advantage; but why the Law should bee, so your Lordshippes as yet have onely heard an affirmation of it, no reason.

But some touch was given that this

Statute of the tenth yeere of Henry the seventh in words makes all the Irish Sta. tutes voide, which are contrary to the English. The Answer to this is a deniall that there are any fuch wordes in the Stature: This Statute declares, that the English Statutes shall bee effectuall and confirmed in Ireland, and that all Statutes, before time, made to the contrary shall bee revoked; this repeales onely the Irish Statutes of the tenth yeere of Henerica the fourth, and the nine and twentieth yeere of Henerie the fixt, which fay that the English Statutes shall not bee in force in treland, unleffe particularly received in Parliament, It makes all the Irish Statutes voide, which fay that the English Statutes shall not bee in force there.

It is usuall when a Statute saith, that such a thing shall bee done or not done, to adde further that all Statutes to the

contrary shall be voide.

No likeli-hood that this Statute intended to take away any Statute of Treafon; When but in the Chapter next before this, Murder there is made Treafon, as if done upon the Kinges Perfon.

That this Statute of the eighteenth yeare of Harry the fixt remaines on foote and not repealed either by the Statute of the



the eighth yeere of Bdward the fourth, or this of the tenth yeere of Heneric the feventh appeares expressely by two severall Acts of Parliament made at the same Parliament of the tenth yeere of Henry the seventh.

the fixt time, in Ireland it was made Treason for any man to procure a privice Scale, or any other Command what-soever, for apprehending any person in Ireland for Treason done without that Kingdome, and to put any such Command in execution; Diverse had been attained of Treason for executing such Commands: Heere is a Treason soe made by Acte of Parliament in Henry the fixt time: In the third Chapter of this Parliament of the tenth of Henry the seventh an Act is passed for no other end then to repeale this Statute of Henry the sixt of Treason.

If this Statute of Henry the fixt of Treason, had beene formerly repealed by the Statute of 8. Edw. 4. or then by the two and twentieth Chapter of this Parliament of 10.H.7. by bringing in the Bnglish Statutes, the Law makers were much mistaken now to make a particular Act of Parliament to repeale it, it being likewise for unreasonable and Act as it was pure 2 and yet and to be listed to the statute of the s

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In the eighth Chapter of this Parliament of the tenth of Henry the seaventh ; It's enacted, That the Statutes of Killken. my and all other Seatures made in Ireland (two onely excepted, whereof this of the eighteenth of Henry the fixt is none) for the Common-weale shall bee enquired off and executed. My Lord of Strafford faith, that the bringing in of the English Statutes hath repealed this Statute of the eighteenth yeere of Henry the fixt, the Acte of Parliament made the same time faith noe; it faith that all the Irish Statutes, excepting two, whereof this is none, shall still bee in force. a sugles for sales for our of suppre

object. Oh! But however it was in 10. Hen.7. yet it appeares by Judgement in Parliament afterwards, That this Statute of the eighteenth yeere of Henry the fixt is repealed, and that is by the Parliament of the eleventh yeere of Queene Elizabeth, the feventh Chapter, That by this Parliament it is enacted, that if any man without license from the Lord Deputie, lay any Souldiers upon the Kings Subjects, if hee bees a Peere of the Realme, bee Shall forfeite one hundred pounds, if under the degree of a Peere 100 markes This Statute as is alleadged declares the penalty of laying Souldiers upon the Subjects to becomely a hundred pounds and therefore itshor Treason No be Anwer



1

Answer. My Lords if the offence for which this penalty of one hundered pounds is laid upon the offender bee for laying Souliders, or leading them to doe any acts offensive or invasive upon the Kinges people, The Argument hath some force; but that the offence is not for laying Souldiers upon the true Subjects, that this is not the offence intended in the Statute will appeare to your Lordshippes, Ex absurde, from the wordes of it.

The words are, That if any man shall asem-He she people of the Country together to conclude of peace or warre, or shall carry shope people to doe any Acts offensive or invafive, then bee shall forfeste one bundred pounds; If concluding of warre and carrying the people to Acts invasive, bee against the Kinges Subjects, this is high Treason within the words of the Statute of the five and twentieth yeere of Edward the third; For if any Subject shall affemble the people and conclude a warre, and accordingly shall leade them to invade the Subject, this is a levying of warre within the wordes of that Statute; and then the Statutes of the five and twentieth yeer of Edward the third; the first of Henry the fourth; and the first of Queene Mary which the Earle of Strafferd in his Answer defires to bee tryed by, are as well repealed in this point as

the

the Statute of the eighteenth yeere of Henrie the fixt, hee might then without feare
of Treason have done what hee pleased with the Irish Army; for all the
Statutes of levying warre, by this Statute of the eleventh Yeere of Queene
Elizabeth were taken out of his

way.

In Ireland a Subject gathers forces, concludes a warre against the Kings people, actually invades them; blood-shedde, burning of houses, Depredations ensue; two of those, that is murder and burning of houses are Treason, and there the other sellony; by this construction the punishment of Treason and sellony is turned onely into a sine of one hundred pounds; from losse of life, lands and all his goods, onely to losse of part of his goods.

The third absurdity, a warre is concluded, three severall Inrodes are made upon the Subject; in the first, a hundred pound Dammage; in the second, sive thousand pound Dammage; in the third, tenne thousand pound Dammage is done to the Subjects, the penalty for the last inrode is no more then for the first, only one hundred pounds. This Scarue by this construction tells any man how to get his living without long

labour.

Two parts of the hundred pounds is givento the King, a third part to the informer, heer's 2.

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heer's no dammage to the Subject that is

robbed and destroyed.

My Lords, the Statute will free it felfe and the makers of it from these absurditics.

The meaning of this Statute is, That if any Captaine shall of his owne head conclude of peace or warre against the Kings Enemies or Rebels, or shall upon his owne head invade them, without warrant from the King or the Lord Deputie of Ireland, that then hoe shall forfeite a hundred pounds.

The offence is not for laying of Souldiers upon the Kings people; but making of warre against the Irish Rebells without warrant; the offence is not in the matter, but in the manner, for doing a thing lawfull, but without miffion.

1. This will appeare by the generall fcope of the Stat all the parts being put together?

2. By particular clauses in the Statute; And.

3. By the Condition of that Kingdome at

the time of the making of that Statute.

For the first, The preamble recites that in time of Declination of Justice under pretext of defending the Country and themfelves, divers great men arrogated to themfelvs regal authority under the names of Captains, that they acquired to themselves that incer's

govern:-

government which belonged to the Crowne, for preventing of this Its enacted, that no man dwelling within the Shire grounds, shall thenceforth assume or take upon himselfe the authority or name of a Captaine within those Shire grounds, without Letters Pattents from the Crown. nor shall under colour of his Captainesthip make any demand of the people of any exaction, nor as a Captaine affemble the people of the Shire grounds, nor asa Captaine shall leade those people to doe any acts offensive or invasive without warrant under the great Seale of England or of the Lord Deputie upon penalty that if hee doe any thing contrary to that act, then the Offendor shall forfeite a hundred pounds.

My Lords, the Rebells had beene out, the Courts of justice scarce sat, for defence of the Country diverse usurped the place of Captaines, concluded of warre against the Rebells & invaded them without warrant, invading the Rebells without authority is the crime.

This appeares further by particular clauses in the Statute, none shall exercise any Captaineship within the Shire grounds, nor assemble the men of the Shire grounds to conclude of Warre, or leade them to any invasion.

That that had anciently beene focontinued to this time, that is the triff and the 2.

English pale, they within the Shire grounds were within the English pale, and ad fidem & legem Anglia, the Irifb.that were without the pale were enemies at alwayes either in open act of hostility or upon leagues, and hostages given for securing the peace, and therefore as heere in England, weehadour marches upon the frontiers in Scotland and Wales, fo were there Marches betweene the English and Irish pale, where the inhabitants held their Landes by their tenure to defend the Country against the Irish, as appeares in the close Rolls of the Tower in the 20. yeare of Edward the third, membrana 15. on the backfide, and in an IrishParliament held the 42. yeare of Edward the third. Its declared, that the English pale was almost destroyed by the Irish enemies, and that there was no way to preventthe danger, but onely that the owners refide upon their Landes for defence, and that absence should bee a forfeiture, this act of Parliament in a great counsell, heere was affirmed, as appeares in the close Roll, the 22. years of Edward thethird, membrana clauses in the Statute, note in . shob.oc

Afterwards as appeares in the Statute of the eight-and-twenty years of Henry the 6. in Ireland, this hostility continued betweene the English marches and the Irish enemies, who by reason there was no difference betweene the English marches and them

in their apparell, did daily not being known to the English, destroy the English within the pale. Therefore its enacted, that every Englishman shall shave the haire of his upper lip for distinction sake. This hostility continued, till the tenth yeare of Henry the seaventh, as appeares by the Statute of ten Henry the seaventh, the seaventeenth Chapter, and so successively downewards, till the making of this very Statute of the eleaventh yeare of Queene Elizabeth, as appeares fully in the ninth Chapter.

Nay immediatly before, and at the time of the making of this Statute, there was not onely emnity betweene those of the Shire grounds that is the English and Irish pale, but open Warre and Acts of hostility, as appeares by History of no lesse authority, then that Stature it selfe, for in the first Chapter of this Statute is the Attainder of Shane O Neale, who had made upon Warre, was flaine in open Warre. Its there declared, that hee had gotten by force all the North of Ireland for an hundred and twenty miles in length, and above a 100. in bredth, that he had maftered diverse places within the English pale; when the flame of this warre by his death immediatly before this Statute was spent, yet the fire brands were not all quenched for the rebellion was concontinued by John Fitz. Guard called the white Knight, and Thomas Queverford, this appeares by the Statute of the thirteenth yeare of Queene Elizabeth in Ireland, but two yeares after this of the eleaventh yeare of Queene Elizabeth, where they are attainted of high treaton for levying Warre this eleaventh yeare, wherein this Statute was made.

So that my Lords immediatly before, and at the time of the making of this Statute, there being Warre between those of the Shire grounds mentioned in this Statute; and the Irish, the concluding of Warre and Acts offensive and invasive there mentioned can bee intended against no others, but the Irish ene-

mies.

Againe the words of the Statute are no Captaine shall assemble the people of the Shire grounds to conclude of peace or warre, is it to bee presumed that those of the Shire grounds will conclude of Warre against themselves? nor saith the Statute shall carry those of the Shire grounds to doe any Acts invasive, by the construction which is made on the other side, they must bee carried to sight against themselves.

Laftly the words are, as Captaine none shall assume the name or authority of a Captaine, or as a Captaine shall gather the

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people together, or as a Captaine leade them. The offence is not in the matter, but in the manner: If the acts offensive were against the Kings good subjects, those that went under command were punishable, as well as the Commanders, but in respect, the Souldier's knew the service to be good in it selfe being against the enemies, and that it was not for them to dispute the authority of their commanders, the penalty of a 100, pounds is laid onely upon him, that as Captaine shall assume this power without warrant, the people commanded are not within the Stature.

My Lords, the logicke whereupon this argument hath beene framed stands thus, because the Statute of the eleaventh years of Queene Elizabeth inflicts a penalty of a 100, pound, and no more upon any man, that as a Captaine without warrant, and upon his owne head shall conclude of, or make Warre against the Kings enemies: therefore the Statute of the 18, years of Henry the sixt, is repealed, which makes in treason to lay Souldiers upon, or to levy warre against the Kings good people.

Butmy Lords observation harh bin made upon other words of this statute, that is that without licence of the deputy, these things cannot bee done: This shewes, that the deputy is within none of these Statutes.

My Lords, this Argument stands upon



the same reason with the sormer, because hee hath the ordering of the Army of Instant for the defence of the people, and may give warrant to the Officers of the Army upon eminent occasions of invasion to resist or prosecute the enemy, because of the danger that else might ensue forthwith by staying for a warrant from his Majesty out of England, Therefore it is no treason in the Deputy to imploy the Army in Ireland when soever hee pleaseth for the subversion of the Kings good people, and of the lawes.

My Lords, the Statute of the tenth yeare of Henry the seaventh, the seaventeenth Chapter touched upon for this purpose, cleares the busines in both points, for there it is declared, that none ought to make warre upon the Irish rebells and enemies without warrant from the Lieutenant, the torseiture a hundred pounds as here the Statute is the same with this, and might as well have beene cited for repealing the Statute of the eighteenth yeare of Henry the sixt, as this of the eleaventh yeare of Queene Elizabeth; but my Lords if this had beene institled upon it would have expounded the other two cleare against him.

other two cleare against him.

Obj. My Lords, it hath beene

My Lords, it hath beene further faid although the statute bee in force, and there be a treason within it, yet the Parliament hath no jurisdiction, the treasons are committed

in Ireland, therefore not triable here.

My

My Lords, Sir John Perrot his predecelfors in the 24. years of Queene Bladeth was tried in the Kings bench for treason done in Ireland, when hee was Beputy; and Orucke in the 33. years of Queene Elizabeth judged for treason done in Ireland.

But it will bee faid, these trialls were all ter the Statute of the source and thirdeth years of Henry the eight, which enacts, that treasons beyond sea may bee tried in England.

My Lords, his predecessor my Lord Gray was tried and adjudged here in the Kings bench, that was in Trinity tearme in the three and thirtie years of Henry the eight, this was before the making of that Statute.

To this againe will bee faid, that it was for treason by the Lawes and Statutes of England, but this is not for any thing, that's treason by the Law of England, but by an Irish Statute.

So that the question is onely whether your Lordships in Parliament heere have cognizance of an offence made treason by an Irish Statute in the ordinary way of judicature without bill, for so is the present question.

Por the clearing of this, I shall propound two things to your Lordships donfideration, ANTO.

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obj.

Anfw.

obj.





Whether the rule for expounding the Irish Statutes and customes, become, and the same in England as in Ireland, because were

That being admitted whether the Parliaments in England have cognizance or jurifdiction of things there done in respect of the place, because the Kings writ runnes not there.

the Parliament here hath cognizance there, And secondly, if the rules for expounding the Irish Statutes and Customes been the same here as there, this exception as I hum-

bly, conceive must fall away.

In England there is the common law, the Statutes, the acts of Parliament and customes peculiar to certaine places differing from the common law, if any question arise concerning either a custome or an act of Parliament, the common law of England; the first, the primative and the generall law; that's the rule and exposition of them and of their severall extents; it is so heere, it is so in Ireland, the common law of Ireland likewise; the same here and there in all the parts of it.

It was introduced into Ireland by King Fohn, and afterwards by King Harry the third, by act of Parliament held in England as appeares by the pattent Rolls of the 30, years of King Henry the third, the full

mem-

membrana. The words ate, Quia procesomus nintilitate terra Hibervia, chanicate Legrarum; Regis, Rex wult, & de communi confilio Regis. provifum est, quod omnes leges & confuetadines quain regno Anglia tenentur, in Hibernia teneantur, & eadem terra eifdem legibus subjaceat, & per eafdem regatur, fient Dominus Johannes Rex cum ultimo effer in Hibernia flasnis, & fieri mandavit. Quia &c. Rem vult quod omnia brevia de communi Jure qua current in Anglia, fimiliter currant in Hibernia fub nove figillo Regis , mandatum est Archiepifcopis, Gr. qued pro pace & granquillitate ejufdem terra, per casdem leges eos regi de deduci permittant, & cas in omnibu fequantur. In onjue Ge. Teste Rege, apud woodstock, decimo none die Segrembris. in bi mag on a naad auch al

Here's an union of both Kingdomes, and that by act of Parliament, and the same Lawes to bee used here as there, in one mibus, in 11 your flanous.

My Lords, That nothing might bee left here for an exception, that is that in treasons, felonies, and other capitall offences concerning life, the Irish lawes are not the same as here, Therefore it is enacted in a Parliament held in England in the fourteenth yeere of Edward the second (it is not in print neither, but is in the Parliament book) That the Laws concerning life and member shall be the same in Ireland as in England in any content of the same in Ireland as in England in any content of the same in Ireland as in England in any content of the same in Ireland as in England in any content of the same in Ireland as in England in any content of the same in Ireland as in England in the same content of the same in Ireland as in England in the same content of the same content

And that no exception might yet remaine,



in a Parliament held in England, the fifth vecre of Edward the third, It is enacted, quid non & eadem Lex fiat tam Hibernicis quant Angliers. This Act is enrolled in the Patent rolls of the fifth yeere of Edward the third,

The Irilli therefore receiving their Lawes from hence, they fend their Students at Law to the Innes of Courts in England, where they receive their degree; and of them, and of the common Lawyers of this Kingdome perio Regrs , size

are the Judge's made.

The petitions have beene many from Ireland, to fend from hence some Judges more learned in the Lawes then those they had there, he were freek, despete and

It hath been frequent in cases of difficulty there to fend fometimes to the Parliament here, sometimes to the King by advice from the Judgeshere, to fend them resolutions of their doubts: Amongst many I'll cite your Lordhips onely one, because it is in a case of Treason upon an Irish Statute, and therefore full to this point.

By a Statute there made in the fifth yeere of Edward the fourth, there is provision made for fuch as upon fuggestions are committed to prison for Treason, that the party committed, if he can procure 24. Compurgators, shall

be bailed, and let out of prison. The married on the

Two Citizens of Dublin were by a grand Jury presented to have committed Treason;

They

They defired the benefit of this Statute, that they might bee let out of prison upon tender of their Compurgators. The words of the Statute of the fifth years of Edward the fourth in Ireland being obscure, the Judges there not being satisfied what to doe, sent the case over to the Queene; defined the opinion of the Judges here; which was done accordingly? The Judges here sentover their opinion, which I have out of the Booke of Justice Anderson, one of the Judges consulted withall. The Judges here delivered opinion upon an Irish Statute in case of Treason.

If it bee objected, That in this case the Judges here did not judge upon the party; their opinions were onely ad information conscientiam of the Judges in Iroland; that the judgement belonged to the Judges there:

My Lords, with submission, this and the other Authorities prove that for which they were cited; that is. That no absurdity, no failer of Justice would easte if this great Justicatory should judge of Treason so made by an Irish Statute.

The common Law, the rule of Judging upon an Irish Statute, the pleas of the Growne for things of life and death, are the same here and there. This is all that hath yet been offered.

For the fecond point, That England bath no power of Judicature for things done in Ireland; My Lords, the conflaint practice of all ages proves the contrary.

H 2

Writs



Writs of errour in Pleas of the Crowne as well as in civilly causes, have in all kings reignes beene brought here, even in the inferiour Courts of Westminster Halb, upod judgements given in the Courts of Ireland. The practice is so frequent, & so well known, as that I shall eite none of them to your Lordships a no president will I believe bee produced to your Lordships, that ever the case was remanded back againe into Ireland, because the question rose upon an Irish Statute or custome, uncining the cause and angle!

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But it will be faid, That writs of errow are only upon a failer of justice in Ireland; and that suits cannot originally be commenced here for things done in Ireland, because the Kings writ runs not in Ireland.

Anfw.

This might bee, a good plea in the Kings Bench, and inferiour Courts at Westminster Hall; the questionis, whether it bee so in Parliament. The Kings writ rups not within the County Palatine of Chester and Dutham, not within the five Ports; neither did it in Wales before the union in Henry the eighth's time; after the Lawes of England were brought into Wales in King-Edward the first's time, shits were not originally commenced in Westminst. Hall, for things done in them, yet this never excluded the Parliament: suits for life, lands, and goods within those jurisdictions are determinable in Parliament, as well as in any other parts of the Realme.

Wills

Ireland

Ireland, as appeares by the Statute of the thirtieth yeer of Hears the third, before mentioned, is united to the Crowne of England.

By the Statute of the eight and twentieth yeere of Henry the fixth in Ireland; it is declared in these words; That Ireland is the proper Dominion of England, and united to the Crowne of England; which Crowne of England is of it felfe; and by it felfe, fully, wholly and entirely endowed with all power and authority sufficient to yeeld to the subjects of the same full and plenary remedy in all debates and suits, what so years are a part of the

By the Statute of the three and thirtieth your of Henry the eighth, the first Chapter, when the Kings of England first allumed the title of King of Ireland, it is there enaced. That Ireland fill is to bee held as a Crown annexed and united to the Crown of England, one Record whole custody the Record of England.

So that by the same reason, from this, that the Kings writ runs not, in Ireland, it might as well bee held, that the Parliament cannot originally hold plea of things done within the County Malatine of Chister & Durham, nor within the firet Portise Wales; Ireland is part of the Realate of England, as appears by those Statutes, as well as any of them of the same of

This is made good by conflant practice. In all the Parliament rolls, from the first positional appointed for are receivers and tryers of petitional appointed for Ireland. For the Irish to come to farre with their petitions for justice, and the Parliament act to have cognizance, when from time to time they had in the



the beginning of the Parliament appointed receivers and tryers of them, is a thing not to bee profumed.

An appeale in Ireland brought by William Lord Vefore against John Fitz Thomas for treasonable words there spoken, before any Judgement given in the case there, was removed into the Parliament in England, and there the described acquired, as appeares in the Parliament pleas of the two and twentieth years of Edward the first.

The fuits for lands, offices, and goods, originally begun here, are many and if question grew upon master in fact, a Jury utially bridered to try it, and the verdict returned into Parliament, as in the cafe of lone Balliber, in the Parliament of the five and thirtieth vocre of Edward the first. If doubt arole upon a matter chiable by Record pra write weat to the Officers in whose custody the Record remained, recentificable Record, as was in the cafe of Ribert Bagin the fame Parliament of the five and thirtieth vegic of Bilarra the first, where the wins went to the Trealored and Barons of the Exchequer, mail to Sometimes they gave judgement here in Pardiament, and commanded the Judges there in Iteland to documention, as in the great cafe of Partition between the coparceners of the Barle Marshall, in the Bartisment of the three and thirteeth years of Edward the fast where the writ was awarded to the Ereafurer of Iteland.

nddoed by the Parliaments of Ingland, as appeares

It is of higher jurisdiction date Logen, then to judge by them.

The Parliaments of England doe binde in Treland, if Ireland bee particularly mentioned, as is refolved in the Book cafe of the first year of wants the seventh, colds seventh Report, calling and by the Judges in Trinity Terme, in the three and thirtieth years of Queene Elizabeth. The Statute of the eighth years of Edward the fourth, the first Chapter in Ireland recrees, thin it was doubted a mongst the Judges, whether all the English statutes, though not naming Ireland, were in force there; if named, no doubt

From King Heary the third his time downward to the eighth yeere of Queene Elizabeth (by which Statute it is made felony to carry sheepe from Tred land beyond seas) in almost all these Kings reignes there be Statutes made concerning Ireland.

The exercifing of the Legislative power there over their lives and estates, is higher then of the Judiciall in question. Untill the mine and eventieth years of Edward the third, erroneous judgements given in Ireland were determinable no where but in England; no, not in the Parliaments of Ireland, as it appeares in the close rolls in the Tower, in the nine and twentieth years of Edward the third, membr. 12. Power to examine and reverse emone-ous judgements in the Parliaments of Ireland is granted from hence; Writs of from he Parliaments after that time



time given in the Parliaments of Ireland, as appears in the Parliament rolls of the eighth years of Henry the fixth, no. 70. in the case of the Prior of Lenthan. It is true, the case is not determined there, for it's the last thing that came into the Parliament, and could not be determined for want of time; but no exception at all is taken to the jurisdiction.

The Acts of Parliament made in Ireland have bin confirmed in the Parliaments of England, as appears by the close rolls in the Tower, in the two and fortieth yeere of Edmard the third, memb. 20, derfo; where the Parliament in Ireland, for the preservation of the Countrey from the Irish, who had almost destroyed it, made an Act, that all the land owners that were English should reside upon their lands, or else they were to bee forfeited: This was here confirmed.

In the Parliament of the fourth yeer of Henry the fifth, chap. 6. Acts of Parliament in Ireland are confirmed, and some priviledges of the Peeres in the

Parliaments there are regulated.

Power to repeale Irith Statutes, power to confirme them, cannot be by the Parliament here, if it hath not cognizance of their Parliaments, unleffe it be faid, That the Parliament may doe it knowes not what.

Garneley and Jeriey are under the Kings hibjechon, but are not parcels of the Crowne of England, but of the Duchy of Normandy; they are not governed by the Lawes of England, as Ireland is; and yet Parliaments in England have usually held plea

of

of, and determined all causes concerning lands or goods. In the Parliament of 33.E. 1. there be placita de Insula Jernesey; and so in the Parliament 14.E.2. and so for Normandy and Gascoyne; and alwaies as long as any part of France was in subjection to the Crown of England, there were, at the beginning of the Parliaments, receivers and tryers of petitions for those parts appointed.

I beleeve your Lordships will have no cases shewed of any plea to the jurisdiction of the Parliaments of England, in any things done in any parts wheresoever in subjection to the Crowne of

England.

The last thing I shall offer to your Lordships is the case of 19.El. in my Lord Dyer 306. and Judge Cromptons book of the jurisdiction of Courts, fol. 22. The opinion of both these Books is, That an Irish Peer is not triable here. It's true, a Scotish or French Nobleman is triable here as a common person; the Law takes no notice of their Nobility, because those Countries are not governed by the Lawes of England; but Ireland, being governed by the same Laws, the Peers there are triable according to the Law of England, onely per pares.

By the same reason the Earle of Strafford, not being a Peere of Ireland, is not triable by the Peers of Ireland; so that if hee bee not triable here, hee

is triable no where.

My Lords, In case there be a Treason and a Traitor within the Statute, and that he be not triable here for it in the ordinary way of judicature, if that jurisdiction



diction failes, this by way of Bill doth not; Attainders of Treason in Parliament are as legall, as usuall by Act of Parliament as by Judgement.

I have now done with the Statutes of 25.E.3. and 18.H.6. My Lord of Strafford hath offended against both the Kingdomes, and is guilty of high

Treason by the Lawes of both.

5 My Lords, In the fifth place I am come to the Treasons at the common Law, The endevouring to subvert the fundamentall Lawes and government of the Kingdome, and to introduce an arbitrary and

tyrannicall government.

In this I shall not at all labour to prove, that the endevouring by words, counsels, and actions to subvert the Lawes, is treason at the common Law, if there be any common Law treasons at all left; nothing treason, if this not, to make a Kingdome no Kingdome: take the politic and government away, England's but a piece of earth, wherein so many men have their commorancy & abode, without ranks or distinction of men, without propertie in any thing further then possession; no Law to punish the murdering or robbing one another.

That of 23. H.8. of introducing the Imperial Law, flicks not with your Lordships: It was in case of an appeal to Rome; these appeals in cases of marriages, & other causes counted Ecclesiasticall, had been frequent, had in most Kings reigns been tolerated; some in times of Popery put a conscience upon them, the Statutes had limited the penalty to a Premunic only: Neither was that a totall subversion, only an Ap-

peale

peale from the Ecclefiasticall Court here in a single cause to the Court at Rome; and if treason or not, that case proves not; a treason may be punished as a felony, a selony as a trespasse, if his Majesty so please; the greater includes the lesser: In the case of Premunire in the Irish reports, that which is there declared to be treason, proceeded upon only as a Premunire.

The thing most considerable in this, is whether the treasons at common Law be taken away by the Stat. of 25. E.3. I.H.4. or I.Q.M. or any of them.

My Lords, To fay they bee taken away by the Stat. of 25.E.3. is to speak against both the direct

words and scope of that Statute.

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Initthere's this clause, That because many other like cases of treason might fall out which are not there declared, therefore it is enacted. That if any such case some before the Judges, they shall not proceed to judgement till the case bee declared in Parliament; whether it ought to be adjudged treason, or not.

These words, and the whole scope of that Statute showes, That it was not the meaning to take away any treasons that were so before, but onely to regulate the jurisdiction and manner of tryall. Those that were single & certain A&s, as Conspiring the Kings death, Levying warre, Counterfeiting the money, or great Seal, Killing a Judge, these are left to the ordidinary Courts of Justice: The others not depending upon single A&s, but upon constructions and necessary inferences, they thought it not fit to give the inferiour Courts so great a latitude here, as too dangerous to the subject, those they strained to the Parliament.

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This Statute was the great fecurity of the subject, made with such wisdome as all the succeeding ages have approved it: It hath often passed through the fornace, but, like gold, hath lost little or nothing.

The Statute of 1.H.4. cap. 10. is in these words, Whereas in the Parliament held the 21. yeere of Richard the second, divers paines of treasons were ordained, insomuch, that no man did know how to behave himselfe, to doe, say, or speake, It is accorded, that in no time to come any treason be adjudged otherwise then it was ordained by the Statute of 25.E.3.

It hath bin faid, To what end is this Statute made, if it takes not away the common Law treafons re-

maining after the Statute of 25.E.3 ?

There be two maine things which this Statute doth: First, it takes away for the future all the Treasons made by any Statute since 25. Ed. 3. to 1. Hen. 4. even to that time: For, in respect that by another Act in that Parliament, the Statute of 21. R.2. was repealed, it will not bee denyed, but that this Statute repeales more treasons then these of 21. R. 2. it repeales all Statute treasons but those in 25. E. 3.

Secondly, It not only takes away the Statute treafons, but likewise the declared treasons in Parliament after 25.E.3. as to the suture. After declaration in Parliament, the inferiour Courts might judge these treasons; for the declaration of a treason in Parliament, after it was made, was sent to the inferiour Courts, that toties quoties the like case fell out, they might proceed therein: the subject for the future was secured against these; so that this Statute was of great use.

By the very words of it, it still referrs all treafons to the provision of 25.E.3. it leaves that entire

and upon his old bottome.

The Statute of 1. 2. M. cap. 1. saith That no offences made treason by any Act of Parliament, shall thenceforth be taken or adjudged to be treason, but onely such as be declared and expressed to be treason by the Statute of 25. E. 3. concerning treason, or the declaration of treason and no others: And surther provides that no pains of death, penaltie, or forfeiture, in any wife shall ensue for committing any treason, other then such as be in the Statute of 25. E. 3. ordained and provided; any Acts of Parliament or any declaration, or matter to the contrary, in any wife notwithstanding.

By the first part of this Statute, onely offences made Treason by Act of Parliament are taken away, the Common Law Treasons are no way touched: The words (and no others) refer still to offences made treason by Act of Parliament, they restraine not to the treasons onely particularly mentioned in the Statute of 25.E.3. but leave that Statute entire as to the common Law treason, as ap-

pears by the words immediatly foregoing.

By the second part, for the paines and forfeitures of treasons, if it intend only the punishment of treason, or if it intend both treason and punishment, yet all is referred to the provision and ordinance of 25.

E.3. any Act of Parliament or other declaration or thing notwithstanding.

It faith not, other then such penalties or treasons as are expressed and declared in the Statute of 25.

E.3 that might perhaps have restrained it to those that are particularly mentioned: No, it referrs all treasons to the generall ordination and provision of that Statute, wherein the common-Law-treasons are expressly kept on foot.

If it bee askt what good this Statute doth if it

take not away the common-Law-treafons:

1. It takes away all the treasons made by A& of Parliament, not onely since the first of H.4. which weremany, but all before 1. H.4. even until 25.

E. 3. by expresse words.

2. By expresse words, it takes away all declared treasons, if any such had been made in Parliament; these for the future are likewise taken away, so that whereas it might have been doubted, whether the Statute of 1. H.4. took away any treasons but those of 21. & 22. year of R.2. this clears it both for treasons made by Parliament, or declared in Parliament, even to the time of making the Statute.

This is of great use, of great security to the subject; so that as to what shall be treason, and what not, the Statute of 25.E.3. remaines entire, and so by consequence the treasons at the common Law.

Onely, my Lords, it may be doubted whether the manner of the parliamentary proceedings bee not altered by the Statute of r.H.4.the17.chapter, and more fully in the Parliament roll, number 144. that is, whether fince that Statute the parliamentary power of declaration of treasons, whereby

the

the inferiour Courts received jurisdiction, be not taken away and restrained onely to Bill, that so it might operate no further then to that particular contained in the Bill; that so the parliamentary declarations for after times, should be kept within the Parliament it selfe, and be extended no further. Since 1. H.4. we have not found any such declarations made, but all Attainders of treason have bin by Bill.

If this be fo, yet the common Law treafons still remaining, there is one and the same ground of reafon and equity since 1.H.4. for passing of a Bill of treason, as was before for declaring of it without

Bill.

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Herein the Legislative power is not used against my Lord of Strafford in the Bill, its onely the jurisdiction of the Parliament.

But, my Lords, because that either through my mistaking of the true grounds and reasons of the Commons, or my not pressing of them with apt arguments and presidents of former times, or that perchance your Lordships from some other reasons and authorities, more swaying with your Lordships judgements, then these from them, may possibly bee of a contrary or dubious opinion concerning these treasons, either upon the Statutes of 25. E.3. & 18.H.6. or at the common Law:

My Lords, if all these five should faile, they have therefore given me further in command to declare to your Lordships some of their reasons, why they conceive



conceive that in this case the meer Legislative pow. er may be exercised.

Their reasons are taken from these three grounds

I From the nature and quality of the offence.

2 From the frame and constitution of the Parliament wherein this Law is made.

3 From practifes and usages of former times.

The horridnesse of the offence in endevouring the overthrowing the Lawes and present governement, hath beene fully opened to your Lordships heretofore.

The Parliament is the representation of the whole Kingdome, wherein the King as Head, your Lordships as the more noble, and the Commons the other members, are knit together into one Body politick: This dissolves the arteries and ligaments that hold the Body together, the Lawes: Hee that takes away the Laws, takes not away the allegeance of one subject alone, but of the whole Kingdome.

It was made treason by the Statute of 13.El. for her time, to affirme, That the Lawes of the Realme doe not binde the descent of the Crowne; no Law,

no descent at all.

No Lawes, no Peerage, no ranks or degrees of

men; the same condition to all.

It's treason to kill a Judge upon the Bench; this kils not Iudicem, sed Iudicium: Hee that borrowed Apelles, and gave bond to returne again Apelles the Painter, sent him home after he had cut off his right hand; his bond was broken, Apelles was sent, but not the Painter. There bee twelve men, but no

Law;

law, there's never a Judge amongst them. Ois vis

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Its felony to embezill any one of the judiciall Records of the Kingdome; this at once sweeps them all away, and from all.

Its treason to counterfeit a twenty shill piece, here's a counterfeiting of the Law, we can call neither the counterfeit nor true coine our owne.

Its treason to counterseit the great Seale for an acre of land; no property hereby is left to any land at all. Nothing treason now, either against King or Kingdome, no law to punish it:

My Lords, if the question were asked in Westminster Hall, whether this were a crime punishable in Starre-chamber, or in the Kings Bench, by
fine or imprisonment, they would say, It went
higher: It whether felony, they would say, That's
for an offence onely against the life or goods of
some one or few persons: It would, I believe, be
answered by the Judges, as it was by the chiefe
Justice Thirning, in 21.R.2. That though he could
not judge the case treason there before him, yet if
he were a Peere in Parliament, hee would so adjudge it.

My Lords, if it bee too bigge for those Courts, we hope its in the right way here. At to no more than

2. The second consideration is from the frame and constitution of the Parliament, the Parliament is the great body politicke, it comprehends all from the King to the Beggar: if so, my Lords, as the naturall, so this body, it hath power over it selfe, and every one of the members for the preservation



fervation of the whole: Its both the Physician and the patient: if the body bee distempered, it hath power to open a veine to let out the corrupt bloud for curing of it selfe; if one member be poyloned or gangrened, it hath power to cut it off for the preservation of the rest.

But, my Lords, it hath bin often inculcated, that Law-makers should imitate the supreme Lawgiver, who commonly warnes before he strikes; the Law was promulged before the jugdement of death for gathering the stickes; no law, no trans-

greffion.

My Lords, to this the rule of Law is, Frustra legis auxilium invocat, qui in legem committit, from the lex Talionis, he that would not have had others to have law, why should he have any himselfe; why should not that be done to him, that himselfe would have done to others?

Its true, we give law to Hares and Deeres, because they be beasts of Chase; It was never accounted either cruelty or foul play to knock Foxes and Wolves on the head, as they can be found, because these beasts of prey: The Warrener sets traps for Powlcars and other Vermine, for prefervation of the Warrener sets and other vermine, for prefervation of the Warrener sets and other vermine.

Further, my Lords, most dangerous diseases, if not taken in time, they kill: Errors in great things, as Warre and Marriage, they allow no time for repentance; it would have been too late to make a law, when there had been no law.

My Lords, for further answer to this objecti-



on he hath offended a law, a law within the endeavouring to subvert the lawes and politic of the flate wherein he lived, which had fo long, and with fuch faithfulnesse protected his Ancestry, himself, and his whole family; it was not malum, quia probibitum, it was malum in fe, against the dictates of the dullest conscience, against the light of nature; they, not having the law, were a law to themselves.

Besides this, he knew a law without, That the Parliament in cases of this nature had potestatem

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Compon-we dely a was Bettery serion O with Nay, he well knew, that he offended the promulged and ordinary rules of law : Crimes against law have been proved, have been confessed, so that the question is not de culpa, sed de pæna, what degree of punishment those faults deserve; we must differ from him in opinion, that twenty felonies cannot make a treason, if it be meant of equality in the use of the Legislative power: for, he that deferves death for one of these felonies alone, delerves a death more painful and more ignominious for all together.

Every felony is punished with losse of life, lands, and goods; a felony may bee aggravated with those circumstances, as that the Parliament with good reason may adde to the circumstances of punishment, as was done in the case of John Hall, in the Parliament of 1.H.4. who for a barbarous murder committed upon the Duke of Glocester, fulling him between two feather-beds at Calice, was adjudged to be hanged drawn, and quartered. Batteries



Batteries by Law are punishable only by fine and fingle dammages to the party wounded.

In the Parliament held in 1. H. 4. cap. 6. one Savadge committed a Battery upon one Chedder fervant to Sir John Brooke, a knight of the Parliament for Sommersetshire; Its there enacted, that he shall pay double dammages, and stand convicted if he render not himselfe by such a time: The manner of proceedings quickned, the penalty doubled, the circumstances were considered, it concerned the Common-wealth, it was Battery with breach of priviledge of Parliament.

This made a perpetual! Act, no warning to the first offendor, And in the Kings Bench, as appears by the booke case of 9. H.4. the first lease, double

dammages were recovered.

My Lords, in this of the Bill the offence is high and generall, against the King and the Common-wealth; against all, and the best of all.

If every Felony be losse of life, lands and goods, what is misurer of the Legislarive power, by addition of Ignominie in the death and disposal of the lands to the Crowne, the publicke patrimony of the kingdome.

But it was hoped that your Lordships had no more skill in the Art of killing of men, then your

worthy Ancestors.

My Lords, this appeale from your felves to your Ancestors we admit of, although we do not admit of that from your Lordships to the Peers of Ireland.

He hath appealed to them; your Lordships will

be pleased to heare what Judgement they have already given in the Case, that is the several attainders of treason in Parliament, after the Statute of 25.E.3. for treasons not mentioned nor within that Statute, and those upon the first offendors without warning given.

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war against she King a Gominet and Weston afterwards in Parliament in 1. R. 2. 111m. 38.39. adjudged traitors for surrendring two severall Castles in Erance onely out of seare, without any compliance with the Enemy is this not within the Statute of 25. Eeg. about how be made of A reducit

My Lords, in 3.R.2. Febre Imperial, that came into England upon letters of lafe conduct, as an Agent for the state of Genosh, sixting in the Evening before his doore in Breadstreste, (as the words of the Records are,) paule into agriculture; febre Kirby and another Citizen comming that way, casually Kirby trode upon his Tee, it being twilight, this grow to a quarrell, and the Embassadour was slaine; Kirby was indicted of high sucation, the inditement findes all this, and that it was onely done se descadende, and without malice.

The Judges, it being out of the Statute of 25 E.
3. could not proceede, the Parliament declared it treason, and judgement afterwards of high treason, there's nothing can bring this within the Statute of 25. E. 3 but it concerns the honour of the Marian, that the publicke faith should be strictly kept: It might endanger the trafficke of the Kingdome, they



they made not a Law first, they made the first man an example. This is in the Parliament roll, g. R. 2. num. 18. and Hilary Terme, 3.R. 2. Rol. 31. in the Kings Bench, where judgment is given against him.

In 11.R.2. Tresilian, and some others attained of treason for delivering opinions in the subversion of the Law, and some others for plotting the like: My Lords, the ease hath upon another occasion been opened to your Lordships; only this is observable; That in the Parliament of the first yeare of Henry the third, where all treasons are again reduced to the Statute of 25 E.3. these Attainders were by a particular Act confirmed and made good, that the memory thereof might bee transmitted to succeeding ages: They stand good unto this day; the Offeaces there, as here, were the endevouring the subversion of the lawes

My Lords, after 1. H. 4. Sir John Mortimer being committed to the Tower upon suspicion of treason, brake prison, and made an escape: This no way within any Statute, or any former Judgment at common Law; for this, that is, for breaking the prison only, and no other cause, in the Parliament held the second yeer of Henry the sixth, hee was attainted of high treason by Bill.

My Lords, Poyloning is only murder; yet one Richard Coke having put poylon into a pot of pottage in the kitchin of the Bills of Rochester whereof two persons died, hee's attainted of treation, and it was enacted, that he should bee boyled to death

by the Statute of 22. H. 8. cap. 9.

By the Statute of 25. H. 8. Elizabeth Barton, the holy maid of Kent, for pretending revelations from God, that God was highly displeased with the King for being divorced from the Lady Katherine, and that in case he persisted in the separation, and should marry another, that he would not continue King above one moneth after; because this tended to the depriving of the lawfull succession to the Crowne, shee is attainted of treason.

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In the Parliament 2. & 3. H. 6. cap. 16. the Lord Admirall of England was attained of treason for procuring the Kings Letters to both Houses of Parliament, to be good to the said Earle in such matters as hee should declare unto them, for saying that hee would make the Parliament the blackest Parliament that ever was in England, endevouring to marry the Lady Elizabeth the Kings sister, taking a bribe of Sherringson, accused of treason, and thereupon consulting with Councell for him, and some other crimes, none of them treason, so cleerely within the Statute of 25. E. 3. or any other Statute, as is the case in question.

My Lords, All these Attainders, for ought I know, are in force at this day; the Statutes of the first yeere of Henry the fourth, and the first of Qu. Mary, although they were willing to make the Statute of the five and twentieth yeere of Edward the third the rule to the inferiour Courts, yet they lest the Attainders in Parliament precedent to themselves untoucht, wherein the Legislative power had been exercised. There's nothing in them whence it



can be gathered, but that they intended to leave it holy maid of ixert, for preter areas his wish My Lords, Itrall thefe Attainders, there were crimes and offences against the Law; they thought it not unjust, circumstances confidered, to heighten and add to the degrees of punishment, and that upon the first offender, because rishes first first My Lords. We receive, as just, the other Lawes and Statutes made by thefe our Ancestors: they are the rules wee goe by in other cases; why should we differ from them in this alone & sland to Harianh A These (My Lords) are in pare those things which have latisfied the Commons in paffing of the Bill; It is now left to the Judgement and Justice of your Lordships. would make the Parliament the black that ever was in England, sedevouring to barry the Lody Electorb the Kings liver, taking a brosent shirrington see led of medion. not il eteopon ce ratio shot by me took from Statute of 25. E. 2. or any other Statute, as is the My Lords, All thefe Projectors, for out entery, alchough they were willing to mak the Attainders in Farliament proce on to selves uncoucht, wherein the Economical been exercised. There's nothing in them whence it





THE

DECLARATION

OF JOHN PYM Esquire,

THE WHOLE MATTER of the Charge of High Treason, against

THOMAS

EARLE OF STRAFFORD, APRIL 12. 1641.

WITH

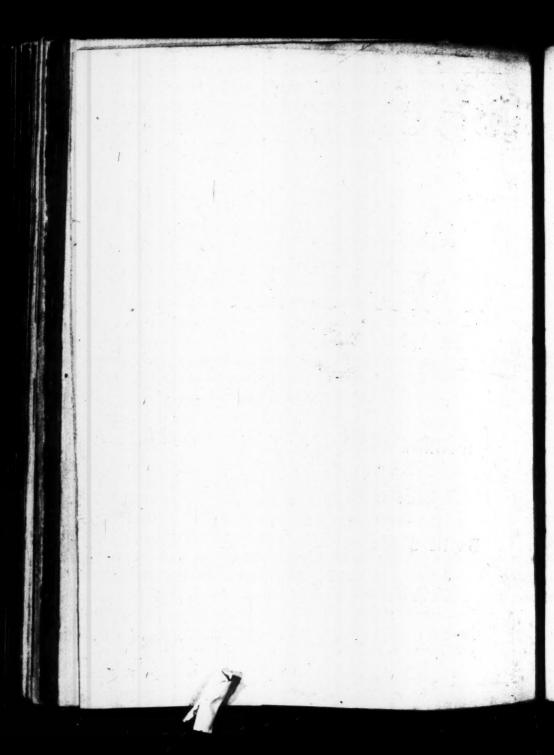
An ARGUMENT of Law concerning the Bill of Attainder of High Treason of the said EARLE OF STRAFFORD,

Before a Committee of both Houses of Parliament, in WESTMINSTER Hall,

By Mr S'-Iohn his Majesties Solicitor Generall, on Thur (day, April 29. 1641.

Both Published by Order of the Commons House.

Printed at London for Iohn Bartlet, and are to be fold at the gils Cup near S. Austins Gate, in Pauls Church-yard. 1641.



SPEECH

DECLARATION

fOHN PYM, Esquire:

After the Recapitulation or summing up of the Charge of High-Treason,

AGAINST

THOMAS,

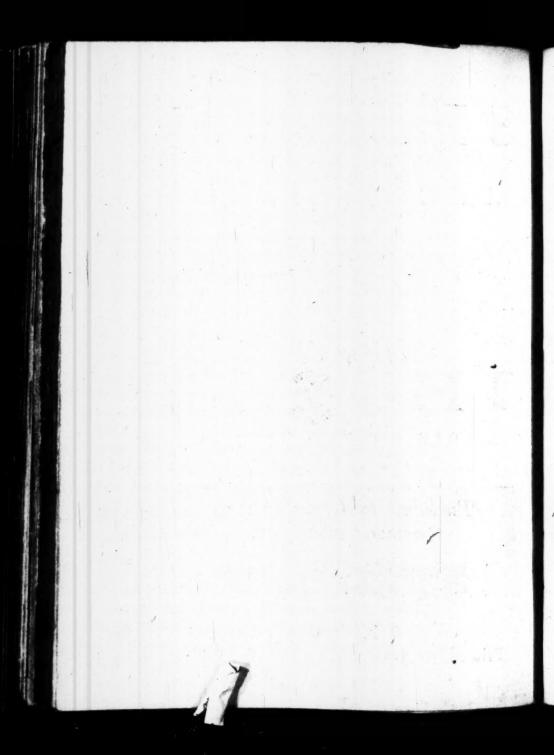
EARLE OF STRAFFORD, 12. April, 1641.

Published by Order of the Commons House.



LONDON,
Printed for JOHN BARTLET. 1641.







THE

SPEECH

OR

DECLARATION

FOHN PYM, Esq: &c.

My Lords,

Any dayes have been spent in maintenance of the Impeachment of the Earle of Strafford, by the House of Commons, whereby he stands charged with High Treason: And your Lordships have heard his Defence with Patience, and with as much favour as Instice would allow: We have passed through our Az Evidence,



Evidence, and the Refult of all this is, that it remaines clearly proved, That the Earle of Strafford hath indeavoured by his words, actions, and counfels, to subvert the Fundamentall Lawes of England and Ireland, and to introduce an Arbitrary and Tyrannicall Government.

This is the envenomed Arrow for which he inquired in the beginning of his Replication this day, which hath infected all his Bloud: This is that Intoxicating (up, (to use his owne Metaphor) which hath tainted his Iudgement, and poisoned his Heart: From hence was infused that Specificall Difference which turned his Speeches, his Actions, his Counsels into Treason; Not Cumulative, as he exprest it, as if many Misdemeanours could make one Treason; but Formally and Effentially. It is the End that doth informe Allions, and doth Specificate the nature of them, making not onely criminall, but even indifferent words and actions to be Treason, being done and spoken with a Treafonable intention.

That which is given me in charge, is, to shew

sin the nature, how mischievous in the effect of it; which will best appeare if it be examined by that Law, to which he himselfe appealed, that universall, that supreme Law, Salus populi: This is the Element of all Laws, out of which they are derived; the End of all Laws, to which they are designed, and in which they are perfected. How far it stands in opposition to this Law, I shall endeavour to shew in some Considerations which I shall present to your Lordships, all arising out of the Evidence which hath been opened.

The first is this: It is an offence comprehending all other offences; here you shall finde severall Treasons, Murders, Rapines, Oppressions, Perjuries.

The Earth hath a Seminarie vertue, whereby it doth produce all Hearbs, and Plants, and other Vegetables: There is in this Crime, a Seminarie of all evils hurtfull to a State; and if you consider the reasons of it, it must needs be so: The Law is that which puts a difference

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betwixt good and evill, betwixt just and unjust; If you take away the Law, all things will fall into a confusion, every man will become a Law to himselfe, which in the depraved condition of humane nature, must needs produce many great enormities: Lust will become a Law, and Envie will become a Law, Covetousnesse and Ambition will become Lawes; and what distates, what decisions such Laws will produce, may easily be discerned in the late Government of Ireland: The Law hath a power to prevent, to restraine, to repaire evils; without this all kind of mischiefs and distempers will break in upon a State.

It is the Law that doth intitle the King to the Allegeance and service of his people; it intitles the people to the protection and justice of the King. It is God alone who subsists by himselfe, all other things subsist in a mutuall dependence and relation. He was a wise man that said, that the King subsisted by the field that is tilled: It is the labour of the people that supports the Crowne: If you take away the protection of the King, the vigour and cheerfulness of Allegeance will be taken away, though the Obligation remaine.

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The Law is the Boundarie, the Measure betwixt the Kings Prerogative, and the Peoples Liberty: Whiles these move in their owne Orbe,
they are a support and security to one another;
The Prerogative a cover and defence to the Liberty of the people, and the people by their liberty
are enabled to be a soundation to the Prerogative; but if these bounds be so removed, that
they enter into contestation and conflict, one of
these mischieses must needs ensue: If the Prerogative of the King overwhelm the liberty of the
people, it will be turned into Tyrannie; if liberty
undermine the Prerogative, it will grow into
Anarchie.

The Law is the safeguard, the custody of all private interest: Your Honours, your Lives, your Liberties and Estates are all in the keeping of the Law; without this, every man hath a like right to any thing, and this is the condition into which the Irish were brought by the E. of Strafford: And the reason which he gave for it, hath more mischiese in it then the thing it selse, They were a Conquered Nation. There cannot be a word more prognant, and fruitfull in

in Treason, then that word is: There are few Nations in the world that have not been conquered; and no doubt but the Conquerour may give what Lawes he please to those that are conquered: But if the succeeding Patts and Agreements doe not limit and restraine that Right, what people can be secure? England hath been conquered, and Wales hath been conquered, and by this reason will be in little better case then Ireland. If the King by the Right of a Conquerour gives Lawes to his People, shall not the people by the same reason be restored to the Right of the conquered, to recover their liberty if they can? What can be more burtfull, more pernicious to both, then fuch Propositions as these? And in these particulars is determined the first Consideration.

The second Consideration is this: This Arbitrary power is dangerous to the Kings Person, and dangerous to his Crown: It is apt to cherish Ambition, usurpation, and oppression in great men, and to beget sedition and discontent in the People; and both these have beene, and in reason must ever be causes of great trouble and alteration to Princes and States.

If the Histories of those Easterne Countries be perused, where Princes order their affaires according to the mischievous principles of the B. of Strafford, loose and absolved from all Rules of Government, they will be found to be frequent in combustions, full of Massacres, and of the tragicall ends of Princes. If any man shall look into our owne Stories, in the times when the Laws were most neglected, he shall find them full of Commotions, of Civill distempers; whereby the Kings that then reigned, were alwayes kept in want and distresse; the people consumed with Civill wars : and by fuch wicked counfels as these, some of our Princes have beene brought to fuch miserable ends, as no bonest heart can remember without borrour, and earnest Prayer, that it may never be so againe.

The third Consideration is this, The subversion of the Lawes; And this Arbitrary power, as it is dangerous to the Kings Person and to his Crowne, so is it in other respects very prejudicial

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to his Majesty in his Honour, Prosit, and Greatnesse; and yet these are the gildings and paintings that are put upon such counsels; These are for your Honour, for your service; whereas in truth they are contrary to both: But if I shall take off this varnish, I hope they shall then appeare in their owne native deformity, and therefore I desire to consider them by these Rules.

It cannot be for the Honour of a King, that his facred Authority should be used in the practise of injustice and oppression; that his Name should be applyed to patronize such horrid crimes, as have beene represented in Evidence against the Earle of Strafford; and yet how frequently, how presumptuously his Commands, his Letters have been vouched throughout the course of this Defence, your Lordships have heard. When the Indges doe justice, it is the Kings justice, and this is for his honour, because he is the Fountaine of justice; but when they doe injustice, the offence is their owne: But those Officers and Ministers of the King, who are most officious in the exercise of this

Arbitrarie power, they doe it commonly for their advantage; and when they are questioned for it, then they fly to the Kings interest, to his Direction: And truly my Lords, this is a very unequal distribution for the King, that the dishonour of evill courses should be cast upon him, and they to have the advantage.

The prejudice which it brings to him in regard of his profit, is no lesse apparent: It deprives him of the most beneficiall, and most certaine Revenue of his Crowne, that is, the voluntary aids and supplies of his people; his other Revenues, confifting of goodly Demeanes, and great Manors, have by Grants been alienated from the Crowne, and are now exceedingly diminished and impaired: But this Revenue it cannot be fold, it cannot be burdned with any Pensions or Annuities, but comes intirely to the Crowne. It is now almost fifteene years since his Majesty had any assistance from his people; and these illegall wayes of supplying the King were never prest with more violence, and art, then they have been in this time; and yet I may upon very good grounds affirm, that

in the last fifteene years of Queen Elizabeth, she received more by the Bounty and Affection of her Subjects, then hath come to His Majessites Coffers by all the mordinate and rigorous courses which have been taken. And as those Supplies were more beneficiall in the Receipt of them, so were they like in the use and imployment of them.

Another way of prejudice to his Majesties profit, is this: Such Arbitrary courses exhaust the people, and disable them, when there shall be occasion, to give such plentifull supplies, as otherwise they would doe. I shall need no other proofe of this, then the Irish Government under my L. of Strafford, where the wealth of the Kingdome is so consumed by those horrible exactions and burdens, that it is thought the Subfidies lately granted will amount to little more then halfe the proportion of the last Subsidies. The two former wayes are hurtfull to the Kings profit, in that respect which they call Lucrum Cessans, by diminishing his receipts; But there is a third, fuller of mischiefe, and it is in that respect which they call Damnum

Damnum emergens, by increasing his Disbursements: Such irregular and exorbitant attempts upon the Libertie of the people, are apt to produce such miserable distractions and distempers, as will put the King and Kingdome to Such valt expences and loffes in a short time, as will not be recovered in many yeares: Wee need not goe farre to seeke a proofe of this, thesetwo last yeares will be a sufficient evidence, within which time I assure my selfe, it may be proved, that more Treasure hath beene wasted, more losse sustained by his Majesty and his Subjects, then was spent by Queene Elizabeth in all the War of Tyrone, and in those many brave Attempts against the King of Spaine, and the royall assistance which the gave to France, and the Low-Countries, during all her Reigne.

As for Greatnesse, this Arbitrary power is apt to hinder and impaire it, not onely at home, but abroad. A Kingdome is a society of men conjoyned under one Government, for the common good: The world is a society of Kingdomes and States. The Kings greatnesse



consists not onely in his Dominion over his Subjects at home, but in the influence which he hath upon States abroad; That he should be great even among Kings, and by his wisdome and authority so to incline and dispose theaffaires of other States and Nations, and those great events which fall out in the world, as shall be for the good of Mankind, and for the peculiar advantage of his owne people. This is the most glorious, and magnificent greatness, to be able to relieve distressed Princes, to support his owne friends and Allies, to prevent the ambitious designes of other Kings; and how much this Kingdome hath been impaired in this kinde, by the late mischievous counsels your Lordships best know, who at a neerer distance, and with a more cleare fight, doe apprehend these publique and great affaires, then I can doe. Yet thus much I dare boldly say, that if his Maiestie had not with great wisdome and goodness forsaken that way wherein the Earle of Strafford had put him, we should within a short time have been brought into that miserable condition, as to have been uselesse to our friends, contemptible temptible to our enemies, and uncapable of undertaking any great designe either at home or abroad.

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A fourth Consideration is, That this Arbitrary, and Tyrannicall Power, which the E of Strafford did exercise in his own person, and to which he did advise his Majesty, is inconsistent with the Peace, the Wealth, the Prosperity of a Nation; It is destructive to Justice, the Mother of Peace; to Industry, the spring of Wealth; to Valour, which is the active vertue whereby the prosperity of a Nation can onely be procured, confirmed, and inlarged.

It is not only apt to take away Peace, and so intangle the Nation with Warres, but doth corrupt Peace, and puts such a malignity into it, as produceth the Effects of warre. We need seek no other proofe of this, but the E. of Straffords Government, where the Irish, both Nobility and others, had as little security of their Persons or Estates in this peaceable time, as if the Kingdome had been under the rage and sury of warre.

And



And as for Industrie, and Valour, who will take pains for that, which when he hathgot. ten, is not his own? Or who fight for that wherein he hath no other interest, but such as is subject to the will of another? The Auci. ent encouragement to men that were to defend their Countries was this, That they wereto hazard their Persons, pro Aris & Focis, for their Religion, and for their Houses; But by this Arbetrary way which was practifed in Ireland, and connfelled here, no man had any certainty, either of Religion, or of his House, or any thing else to be his own; But besides this, fuch Arbitrary courses have an illoperation upon the courage of a Nation, by embaling the hearts of the people : A fervile condition doth for the most part beget in men a slavish temper and disposition. Those that live so much under the Whip and the Pillory, and fuch fervile Engines, as were frequently used by the E of strafford, they may have the dregges of valour, fullennesse, & stubbornnesse, which may make them prone to Mutinies, and discontents; but those Noble and gallant affections, which put men on brave Designes and Attempts for bnA the

the preservation or inlargement of a Kingdome, they are hardly capable of. Shall it be Treason to embase the Kings Coyne, though but a piece of twelve-pence, or sixe-pence, and must it not needs be the effect of a greater Treason, to embase the spirits of his Subjects, and to set a stamp and Character of Servitude upon them, whereby they shall be disabled to doe any thing for the service of the King or Commonwealth?

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The fift Consideration is this, That the exercise of this Arbitrary Government, in times of sudden danger, by the invasion of an enemy, will disable his Majesty to preserve bimselfe and his Subjects from that danger. This is the onely pretence by which the E. of Strafford, and such other mischievous Counsellors would induce his Majesty to make use of it; and if it be unsintered such an occasion, I know nothing that can be alledged in maintenance of its maintenance

When warre threatens a Kingdome by the comming of a forrain Enemy, it is no time then to disconcent ithe people, to make them weary of the present Government, and more inclinable



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to a Change; The supplies which are to come in this way, will be unready, uncertain; there can be no assurance of them, no dependence upon them, either for time or proportion: And if some money be gotten in such a way, the Distractions, Divisions, Distempers, which this course is apt to produce, will be more prejudicial to the publique safety, then the supply can be advantagious to it; and of this we have had sufficient experience the last Summer.

The fixt, That this crime of subverting the Laws, and introducing an Arbitrary and Tyrannicall Government, is contrary to the Path and Covenant betwixt the King and his people. That which was spoken of before, was the legall union of Allegeance and Protection; this is a personal union by mutuall agreement and stipulation, confirmed by oath on both sides: The King and his people are obliged to one another in the nearest relations; He is a Father, and a childe is called in Law, Pars Patris: Hee is the Husband of the Common wealth, they have the same interests, they are inseparable in their condition, be it good or evill; He is the Head.

Head, they are the Body; there is such an incorporation as cannot be dissolved without the destruction of both.

When Instice Thorpe, in Edwithe thirds time, was by the Parliament condemned to death for Bribery, the reason of that Judgement is given, because he had broken the Kings Oath, not that he had broken his own oath, but that he had broken the Kings oath, that solemne and great obligation, which is the security of the whole Kingdome: If for a Judge to take a small summe in a private cause, was adjudged Capitall, how much greater was this offence, whereby the E. of Strafford hath broken the Kings Oath in the whole course of his Government in Ireland, to the projudice of so many of his Majesties Subjects, in their Lives, Liberties, and Estates, and to the danger of all the rest?

The Doctrine of the Papists, Fides non est servanda cum Hereticis, is an abominable Doctrine: yet that other Tenet more peculiar to the Iesuites is more pernicious, whereby Subjects are discharged from their Oath of Allegeance to their This may be added to make the third no lesse mischievous and destructive to humane society, then either of the rest; That the King is not bound by that Oath which he hath taken to observe the Laws of the Kingdome, but may when he sees cause, lay Taxes and burdens upon them without their consent, contrary to the Laws and Liberties of the Kingdome. This hath been preached and published by divers; And this is that which hath been practised in Ireland by the E. of Strafford, in his Government there, and indeavoured to be brought into England, by his Counsell here.

The seventh is this; It is an offence that is contrary to the end of Government; The end of Government was to prevent oppressions, to limit and restrain the excessive power and violence of great men, to open the passages of Instice with indifferency towards all; This Arbitrary power is apt to induce and incourage all kind of insolencies.

Another end of Government is to preserve men in their estates, to secure them in their Lives Lives and Liberties; but if this Designe had taken essect, and could have been settled in England, as it was practised in Ireland, no man would have had more certainty in his own, then power would have allowed him: But these two have been spoken of before, there are two behind more important, which have not yet been touched.

It is the end of Government, that vertue should be cherisht, vice suppress; but where this Arbitrary and unlimited power is set up, a way is open not onely for the security, but sorthe advancement and incouragement of evill; Such men as are aptest for the execution and maintenance of this Power, are onely capable of preferment; and others who will not be instruments of any unjust commands, who make a conscience to doe nothing against the Laws of the Kingdome, and Liberties of the Subject, are not onely not passable for imployment, but subject to much jealousie and danger.

It is the end of Government, that all accidents and events, all Counsels and Designes should be improved to the publique good: But this Arbi-

trary Tower is apt to dispose all to the mainte. nance of it self. The wisdome of the Councell. Table, the Authority of the Courts of Justice, the industry of all the Officers of the Crown have been most carefully exercised in this; the Learning of our Divines, the Iurisdiction of our Bishops have been moulded and disposed to the same effect, which though it were begun before the E. of Straffords Imployment, yet it hath beene exceedingly furthered and advanced by him.

Under this colour and pretence of maintaining the Kings Power and Prerogative many dangerous practifes against the peace and safety of this Kingdome have been undertaken and promoted. The increase of Popery, and the savours and incouragement of Papists have been, and still are a great grievance and danger to the Kingdome: The Innovations in matters of Religion, the usurpations of the Clergis, the manifold burdens and taxations upon the people, have been a great cause of our present distempers and disorders; and yet those who have been chiese Furtherers and Actors of such

fuch Mischieses, have had their Credit and Authority from this, That they were forward to maintain this Power. The E. of Strafford had the first rise of his greatnesse from this, and in his Apologie and Defence, as your Lordships have heard, this hath had a maine part.

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The Royall Power, and Majesty of Kings, is most glorious in the prosperity and happinesse of the people; The perfection of all things consists in the end for which they were ordained, God onely is his own end, all other things have a further end beyond themselves, in attaining whereof their own happinesse consists: If the means and the end be set in opposition to one another, it must needs cause an impotency and defett of both.

The eight Consideration is, The vanity and absurdity of those excuses and instifications which he made for himself, whereof divers particulars have been mentioned in the course of his Defence.

8.



1. That

1. That he is a Counfeller, and might not be questioned for any thing which headvised according to his conscience; The ground is true, there is a liberty belongs to Counsellors, and nothing corrupts Counsels more then fear: He that will have the priviledge of a Counsellor, must keep within the just bounds of a Counsellor; those matters are the proper Subjects of Counsell, which in their times and occasions, may be good or beneficiall to the King or Common-wealth; But fuch Treasons as thele, the subversion of the Laws, wielation of Liberties, they can never be good, or justifiable by any circumstance, or occasion; and therefore his being a Counfellor, makes his fault much more hainous, as being committed against a greater Trust, and in a way of much mischiefe and danger, lest his Majesties conscience and judgement (upon which the whole course and frame of his Government do much depend) should be poysoned and infected with such wicked principles and deslignes: And this he hath endeavoured to doe, which by all Lawes, and in all times hath in this Kingdome beene reckoned

a Crime of an high Nature.

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- 2. He labours to interest your Lordships in his cause, by alledging, It may be dangerous to your selves, and your Posterity, who by your birth are fittest to be near his Majesty, in places of Trust and Authority, if you should be subject to be questioned for matters delivered in Counsell. To this was answered, that it was hoped their Lordships would rather labour to secure themselves, and their posterity, in the exercise of their wertues, then of their wices, that so they might together with their own honour and greatnesse, preserve the honour and greatnesse, both of the King and Kingdome.
- 3. Another excuse was this, that whatsoever he hath spoken was out of a good intention; Sometimes good and evill, truth and falshood lie so near together, that they are hardly to be distinguished: Matters burtfull and dangerous may be accompanied with such circumstances as may make it appears usefull and convenient, and in all such eases, good intentions with justific evil Counself; But where the

matters propounded are evill in their own nature, such as the matters are where with the E. of Strafford is charged, to break a publique faith, to subvert Laws and Government, they can never be justified by any intentions, how specious, or good soever they be pretended.

- 4. He alledgeth it was a time of great necessity and danger, when such counsels were necessary for preservation of the State. Necessity hath been spoken of before, as it relates to the Cause; now it is considered as it relates to the Person; if there were any necessity, it was of his own making; he by his evil counsels had brought the King into a necessity, and by no Rules of Iustice, can be allowed to gain this advantage by his own fault, as to make that a ground of his justification, which is a great part of his offence.
 - 5. He hath often infinuated this, That it was for his Majesties service in maintenance of that Soveraign Power with which he is intrusted by God for the good of his people. The Answer is this, No doubt but that Soveraign Power

Power wherewith his Majesty is intrusted for the publique good, hath many glorious effetts, the better to inable him thereunto; But without doubt this is none of them, That by his own will he may lay any Taxe or Imposition upon his people without their consent in Parliament. This hath now been five times adjudged by both Houses: In the Case of the Loanes, In condemning the Commission of Excise, In the Resolution upon the Saving offered to be added to the Petition of Right, In the sentence against Manwaring, and now lately, In condemning the Shipmoney; And if the Soveraigne Power of the King can produce no fuch effect as this, the Allegation of it is an Aggravation, and no Diminution of his offence, because thereby he doth labour to interest the King against the just grievance and complaint of the People.

6. This Counsell was propounded with divers limitations, and Provisions; for securing and repairing the liberty of the people. This implies a contradiction to maintain an Arbitrary & absolute Power, and yet to restrain it with

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limitations, and provisions; for even those limitations and provisions will be subject to the same absolute Power, and to be dispensed in such manner, and at such time, as it self shall determine; let the grievances and oppressions be never so heavy, the Subject is lest without all remedy, but at his Majesties own pleasure.

7. He alledgeth, they were but words, and no effect followed: This needs no answer, but that the miserable distempers into which he hath brought all the three Kingdomes, will be evidence sufficient that his wicked Counsels have had such mischievous effects within these two orthree last years, that many years peace will hardly repaire those losses, and other great mischieses which the Commonwealth hath sustained.

These excuses have been collected out of the severall parts of his Defence; perchance some others are omitted, which I doubt not have been answered by some of my Collegues, and are of no importance, either to perplex or to hinder your Lordships judge-

ment,

ment, touching the hainousnesse of this Crime.

The ninth Consideration is this, That if this be Treason, in the nature of it, it doth exceed all other Treasons in this, That in the Design, and endeavour of the Author, it was to be a constant and a permanent Treason; other Treasons are transient, as being confinde within those particular actions and proportions wherein they did consist, and those being past, the Treason ceaseth.

The Powder. Treason was full of horror and malignity, yet it is past many years since; The murder of that Magnanimous and glorious King, Henry the fourth of France, was a great and horrid Treason; And so were those manifold attempts against Qu. Elizabeth of blessed memory; but they are long since past, the Detestation of them only remains in Histories, and in the minds of men; and will ever remain; But this Treason, if it had taken effect, was to be a standing, perpetual Treason, which would have been in continual act, not determined within one time or age, but transmitted to Posterity, even from generation to generation.

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The tenth Consideration is this, That as it is a Crime odious in the nature of it, so it is odious in the judgement and estimation of the Law; To alter the setled frame and constitution of Government, is Treason in any estate; The Laws whereby all other parts of a Kingdome are preserved, should be very vain and defective, if they had not a power to secure and pre-

serve themselves.

The forfeitures inflicted for Treason by our Law, are of Life, Honour, and Estate, even all that can be forfeited, and this Prisoner having committed so many Treasons, although he should pay all these for feitures, will be still a Debtor to the Common-wealth: Nothing can be more equal then that he should perish by the Justice of that Law which he would have subverted; Neither wil this be a new way of bloud; There are marks enough to trace this Law to the very origi. nall of this Kingdome: And if it hath not been put in execution, as he alledgeth, this 240. years, it was not for want of Law, but that all that time hath not bred a man bold enough to commit such Crimes as these; which which is a circumstance much aggravating his offence, and making him no whit lesse liable to punishment, because he is the onely man that in so long a time hath ventured upon such a Treason as this.

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It belongs to the charge of another to make it appear to your Lordships, that the Crimes and Offences proved against the Earle of Strafford, are High Treason by the Lawes and Statutes of this Realm, whose learning and other abilities are much better for that service. But for the time and manner of performing this, we are to resort to the Direction of the House of Commons, having in this which is already done, dispatched all those instructions which wee have received; and concerning further proceedings, for clearing all Questions and Objections in Law, your Lordships will hear from the House of Commons in convenient time.

FINIS.

Romefor Canterbury:

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Oratrue Relation of the Birth, and Life, of William Laud, Arch-bishop of Canterburg:

Together with the whole manner of his proceeding, both in the star-Chamber, High-commission Court, in his owned thouse, and some observations of him in the Tower.

With his carriage at the fight of the Deputyes going to the place of Execution, &c.

Dedicated to all the Arminian Tribe, or Canterburian Faction, in the years of grace, 1641.

Whereunto is added all the Assicles by which he stands charged of High Treason, &c:



Printed alfo in the fame. 1641.



Rome or on

Roome for Canterbury: or the Relation of the Birth, Life, and Proceedings of William Land, Arch-Bishop of Canterbury, and Metropolitan of all ENGLAND.

Reatnesse, and Goodnesse are two severall blesse at tributes conserved upon man, but seldent mate in one person: Greatnesse may bee stilled a gift in sero by souther: but Goodnesse, a grace insulate by God. The first labours in misseus; and is borne the bonds we of Charles-seldome attended billions entry; and though to many persons it appears excepting pleasant, yet the bigger wee are leated (also

bing pleafant, pet the higher wee are leated (all mough by bertie) the greater is our law, it corrupted by bice. By Honour and Office men is come age at; pet is it not the place that maketh the perfect, but the performance and power, which is both well acquire, and incubilly confer'd. Non est invitamen um advernous, sed perpense virtueis premium: is no tempo; are invitation, but a perpetual infortitance.

Gooducile is of a contrary condition, man are not to be accounted and, either for their authority or age, but for their fingerity and actions. He that is good, is better than the good he dott; and be that is evil, is two fe than the bad doed dotte by him. All great men are not (conflow rately)good; but all good men are confequently great: Great nelle and goddnelle with grace add to coment them together) make unque it inably a perfect mocompleate man. Here was grace, which had it beene Celepially inlyirer, as it was but temporally disposed, might to that great nelle tabe to combined goddnelle, as from thence could have grotine no keth tributation.

Howk ther, let no man grieve at his present afflictione, so they are the roos by which God chassisch his children: A here is nothing that the ivoid carrieste away from us. because it can give nothing unto us; same faveth, potency perisheth, wealth wasten: Erne riches consist, in our constancy in casualty, and though perturbation and punishment be the prison of the body; per rourage and country; are the liberty of the souls.

foile; to boich I onch abbe Patience, tobich is to all ped to Scottinge, but the femich to be either her filter of her baughter: things that compulitively come upon ins; thoula be borne with patience and cots rage, (of which the habe had late perform) and more generous it not a man to offer himselfe to beath in triumph, than to be dealine un to it with terrour: Gaudet patientia duris. I come notif the performance of the perform

the was beene at Reading of honest parents; his father was a Clos ther in that Downe, of a competent effate, and carefull to le bis chilopen to be well concated and infirmated: This bis Conne William being of an ercellent wit, and pregnant capacity, was fent from the Grame warschale to Driozo; where he was admitted into St. Johns Colledge; there shortly beeprov'd an ingenious disputant, and ere hee take his first begree of Batchelour, was well bert in Logick, philosophy, and the Liberall Acts : after tic beboted binfelle to the finde of Theologia. in which he proceded Doctor, with no common applaule, attaining to beledignities belonging to 6 famous an Academo; and being of an active fritt, was called from thenceto the Court, where he grein fo aracions, that after fome private preferments, be wes fird made Bilbop of St. Davis, and thenre remoted to London and after the decease of the right reberent George Abbot, Arth Billion of Canterbury, mas inaugurated into that prime See, and was Petrapolitans of all Engaland (freps that his predereflor), the was a Clothiers formein Guilford, had troo before him, topo as belle them the yeares was Buttop of Coventry and Lichfield London and Canterbury

What this Prelates reprintment (note inagitation) in so bigh a bigmisty was in sufficiently mays barrongst all; make apparent by his Diaconicall Centimes with the Sotar Chamber; the Pigh Commission Court, &c. And it was a great aspection in the cast epon such high authority, that here is much affected summum just indice without mercy, as spacing mether perhammed probables and takes all others) with the best perhammed by good Elisappa Luncoln (E. Williams, being of his owner degree and hand ton; the (more span) federity, in his rigorous centure and sentence, upon States Burronsta. Printing Printing Printing Baston, and a sent state perie sellow Thomas Bensted, whom he cando to be bound a season of particular to the sentence of Artasian, thoughts has but a subsect of the southwhat what a matter of Artasian, thoughts has but a subsect of the southwhat was subsected filters and spinishers of the bastes International subsection of the strongs; his means this base but been to Gentlemen of two the and note Parliament man laborate to be being matters.

Differed and spinishers of the things; his frames are large patters are spinishers of the things; his frames are large patters are spinishers of the things; his frames are large patters are spinishers of the things; his frames are large patters are spinishers of the things; his frames are large patters.

It is observed by some, that in all the time of his Pontificall Prelacy, benedict passed and to Church preferment that subserved and affective

Arminian & ret, and Will when Beneficon fell, Gat weitellierin off. or where his volver was to have them betrouch; fer bath can fuch men to be inflituter, and inducted las cities were dunced in the ming, or behaucht in their lives : fuch men being molf aut (for their tem) positing or ianorance) to imbrace any Innovation that flouid he brought into the Church: nay, when places have not bone book, his Supplee by plous Pattors, and besout Dinifers, that were confinit professor the Protestantatib, pet by spies, and intelligences in Cabills babe bene mabe at their Doctrines and Dictplines, that me with fanding their charge of wife are children, and that the truttering boing imperiord upon the taking away of their meanes wer me hab wenclubulances, that the other might lubill in their places i me first turn's out; the luter took in ; but that which farte transcende in former, that he bath taboured to suppresse the Arench and Dutch Proces frant Churches here in London, who for their Confedence and the gions fake have abandoned their Countries, to apopt perfecutiones have made this famous Ettie their Afilum and Sanctuary for themise and families.

It has beene able t behalfe, that he never gave confirm upon a Jeffits, or Derningtie, by any Popilh Prieft, though krought before him by his owne warrant, and the Purfuivant imply yet by hintelfe. As charge apprehence yet they were review punished; but if to nie he impelback to morroto intronchises and let at libertie, or else he is califolding imperuningly ocal to his agents, a creetary Windibank, St. John Lamb, a others, that they love lepitalizated and before to habe to humain the builtnesses, when in the interior all the reparate lentences during applications and the scalar passesses of any Processor Religion, is not been and the scalar passesses of any Processor.

A page Prelate having tong tonitive to speake with this great very Bissey, and being after much attendince admitted to his presence, as their distours, the great very politic masternal him. her was an ide the low, to it districts other repiped, it is most true; saying a met dim de 3 stuly int like spains to many ide bours to attens upon point grant to stat small surpose. At tobic he being much insorbished; sufficiently bedieve to many ide bours to attens upon point grant to hat small surpose. At tobic he being much insorbished; suffice a sufficient in the state of points such states compared points with pour grace what Astinke of your 3 can no better compared points without most being. Bradk Anticena state state in great means ablifurness, anous page Bradks anticena state state from in great means ablifurness, anous page Bradks anticena, but we the page Carates and every it out in a unine-glorious shein, but were the page Carates and every it out in a unine-glorious shein, but were the page Carates and every it out in a unine-glorious shein, but were the page Carates and every it out in a unine-glorious shein, but were the page Carates and every it out in a unine-glorious shein, but were the page Carates and every it out in a unine-glorious shein, but his Lording multimediate in the every shein a bery little man) that his death and bis beart were so care together.

wome pass observes, that as her trans a Preliate and Primites of her conference the letter P. (by which may be conference) the

Pope;

Pore those Emblatins, amongst other of his Pontifical Clinicotors, are the Bilhop s, viz, (I take it chie Bibles) and to thew be much affected hat Evicopall Letter, bis thee beneuolentand then benene's Charlaines mer Browne Bray, and Baker. And for the letter P. he was alfo a great patron and protret si to Dector Pock facon, whe for publiffing one Boke colled Sunday is no Sabboth, therein be bilified all the obser bance one to Dies Domini, the Lords Day, and another intituted the Christians Altar. therein be mould have first produc'd, and after propagated Bopis soper Thin he did confere upon bim thise or foure Benefices . worth forme tipo mitte bunded per annum, and a Brebenbarp in Windfor, balued at the

himosed mose by the peare.

Dany are the probabilities that he purpoled to being poperie into the Amadome : as the Scotch Dervice Bob , biffe ing from our Englif I b hitale, effectially in woods concerning receiving the Enchartif, or the Loids Supper, in the was the first incendery of all thefe late troubles be then the two Bingbomes of England and Scotland, in thich tome blond hit bene drawne, but infinite treature exhausted (apparancy mebeth no mole) but that the leave to the cer fure of the higher powers, being an are giment, as it hath beene long, to now at this prefent in agitation: pet the better to better that which before was but deputable, when he came field into the Dower, (and not being acquainted with the place, he beffred, that be no meanes he thould be longed where the 181thap of Lincoln had before laine; and being bermanden the trafore because they were liver and good, lemade antimer, Dout I feare they Coll to of Paricamifine, that the to mapre of them will halfe fifte ou choake me. Thefe formpathiling with

be rell; may gibe the world reason to sufficet bis Meligion.

Spon monday, being the tenth of Pay, then it was knotone that the Livitement though prepare principle to ope though their beautiful. Arch Bishop of the letting up of the Graffold upon Comerchill, therean to Depotize of Ireland was to foster booth, we immerciately lyake to bis men faving . It is no matter then as there to they be were for the first bate time is dishe our peare and reconciliation with Goo; toe are all of us borne to the dough there be many liberall images to beath : for beath must ar last thought arm batte victory over the books of all field inhalforber. Be presented to comfort, one that peeple victoraged for me; I am a man of forcing and beens to this forceto. Lood give me Arength to bear the chaffilements when the investment of my Il : I am intet a man tome of a tooman, of a frost emtimance, and of trouble and beatimette: a man indeb, mant like to banity, and com blied to the fleboers of the field, here this day, it may be gone to megrate; mp, 3 am worfe, a rhilb of math a bellell of bifbonour, begotten in my clemenette, living in care and inzercheonette, and bying in difficult : & los I will rep unto the night and day before I pate disough this talk of milery, 3 will functive up all my offences . 3 will contelle my vilenelle before the, and will not be albamed; for free confession is the very way thereby I may come unto the thich art the way, and the onely true out leads unto life eternall.



D the most happy life which the Angels entoy, in the right blotted hing, bome, boyd of death everlasting; where no times succeed by ages, then the continual day without night bath no end, where the conquering sould er, toyned to that toyfull quire of Angelis, a crointed with the Croinness everlasting glosy, doth ling to his Goda Song amongst the Songs of

Spon.

I meddle not with any flatebulines watforber:but it lams he bosem great affection to the Scots, which is probable by the little lobether bear unto him: Went most fare ine are that he was arrested of high am canitall Treafon, fire committed to the knight of the black red, and thence conbaped to the Lower, where ever fince be bath beene in cultody of the Lim tenant, of whole bemeanor during his above there I thall nert fresh to the true information of some creatible persons, that babe observed his be portment. We was not onely frequent and fervent in and at his Diffe in his ownechamber, where bee went the greatest wart of the main at his pripate meditations, but bery carefull and object mut at the h Daves fervice, at the Chappell, but effecially on the Lords Day became ducty, and profrated himfelfe debontly on his knees, giving great after tion both to the ferbice and fermon; and taking special notice of formene ticular Pfalmes that were fung before the Parlon went up into them especially the second part of the three and thirtieth Plalme, the second part of the fortie ninth, and the first part of the bundeed and fortieth (thich are morthy any mans reading, being to aptly pickt out for that purpole becal led the Clark one day unto him, and courteously demanded of him in he bappened ou them by activent, or had call them out by his sinne co celt : the plaine old man ingenuoully confessed unto bine, that be chose the out purpolely to put him in minbe of his prefent effate; at libbich be bell's liniling, made him no inthet anliver, but departed town longing. Further bee was heard to lay, that if ever God believe from that prefent burance, and that the thing would reffere bim to bis pr Aftic dignities, he would much improve that place, (meaning the Church) in remembrance that be had bene there a puloner. It is also remo that a gentleman of quality comming to the Tower to give bem ama asking his grace how it fared with him at that profest? be ma answer, I chanke God I am well, for it harb pleased his Sacret & mp Soberaighe topestive for me an honourable min contenient lo there I have god and tholowe fare, and where (not with franking a troubles and tribulations) I neber pet backe an boure of my alual contented flep. And the morning when the late Carle of Strafford par his lodging, as he in is led to the place of erecution, and maked his unto bim, then flanding and loking out of his windowe, he beld up his mos and eves towards heaven, without freaking any wing audited the ablervers, as if he prayed carnelly, and inwardly for the falbatimes his lodle, to the was observed also sametimes to speake those mores of the Pfalmilt, Pfal. 82.v. 6,7. I havefaid ye are gods, and children of the most high but ve shall dye as men, and vee Princes shall fall like others, &c. Non follow the Articles exhibited &c.

The true copy of the Articles whereby William Land Arch-Bishop of Canterbury stands charged with high Treason.

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Isth, That the faid William Laud, Areb-bishop of Canterbury. hath traiter suffy laboured to subvert the fundamental Laws and Government of the Kingdome, by giving his Majesty advise privately, and in other places said, that hee would have them govern'd by Civil Lawes, and further said, hee would make the prondiff Subject in the Kingdome; give way to him; and being told it was equinst Law, he replied he would make it Law, and that the King might at his owne placeare take away mithant Law, and make it war antable by Gods Law.

Secondly, His countenancing of Bookes and their Anthors, for the mintenance of his unlimited and absolute power, wherein the power of the Parliament is denied, and the Bisbaps power of Prelay set up.

Thirdly, That he traiteroufly went about to interrupt the Indges by his threatnings, and other mounes, to confixaine them to give falso Judgment in the case of Ship-mony, as will appeare both by writings, and his hand, by testimony of divers persons of good worth and quality.

Fourthly, That he bath taken bribes, and fold inflice in the High Commission Court, as be was Arch-bishop, and bath not only cor apud the ludges there, but bath also sold indicial places to be corrupted.

Fiftly, That be bath endiavenred the increachment of jurisdistion and inflicusion of Canons; which are not onely unlawfull, but prejudiciall to the Subject: and that hee bath exercised his authority very wielly, both as a Chancellour, Commissioner, and Indge.

Sixtly, That He hash traiteroufly assumed acapitall power over his Majesties subjects, denying his power of Prelicy as from the King.

Scaventhly, Thus by false erronism Dottrines, and other sinister rayer and meanes, He went about to subvert the Religion oftablish dubb Kingdom, and to set up Papistry and superstation in the Church. Eightly, That by undue meanes and profise be bath gotton into his hand the power of nominating of Ministers to Spiritual promotions, addath preserved none but scandalous Ministers therewate, and that he preserved corrupt Chap'ains to his Mojosty.

Ninthly, That his owne Ministers, at Heywood, Laifield and o-

ibrs, are notorioufly dif-aff. Eled to Religion.

Tenthly, That hee buth I raiserously endeavoured to reconcile m to



(8)

the Church of Rome, and to that end hath implayed a Ichite, and Papilt-priest, and hath wrought with the Popes Agents in front points.

Eleventh, That to suppresse preaching, Hee bath suspended divers good men, and used unlawfull meanes by Letters, and otherwise to se-

verall Bishops, to suppresse them.

Twelth, That he hash Traiterensly enderstoored to suppose in French Religion bere amongst us, which is the fluor weens of and also the Dutch Church, and to fat dissipate business whom and the

Thirteenth, That he has b Traiser with endeauered is for bioling between the King and his Subjects, and has give above to bring in Innovations into our Church: And buth induced the King a warm with the Scots; und many upon their deare bride, it gives consider the maintenance of the Warre. And hash canfed the Christian land the towards the fame; and bath brough is many Super prisons and have various into the Church of Scotland. And that has present in King to breake the parification, thereby to cause a bloody war bring the King domer.

Fourteenth, That to prefere bingelfe from being questioned for these and other his Traiterous designed from the first years of his his jesties Raigne until now, bee bath taboured to subsect the kind of Parliamentary proceedings, and to income his heavest against the

liaments.

By all which Words. Connects, and delions, bee bath Traiterish taboured to alternate the hearts of the Kings to be people from highly jefty, to fet a Division between them t and to raine and define in Majesties Kingdones. For which they impease him of high Tresson against our Soveraigne Lord the King, his Crowns and Dignity.

And the faid Commons, by protoflation, floring to themselve the liberty of exhibiting at any time horeafter, any other Acceptant impeachment against the faid William Lund, three-bishop of Contributy. And also, of replying to the Answers that her the said will

bishop shall make unto the faid Articles, or any of shows,

And of offering proofe also of the Premissor, or any of them, or other Impeachment or Accusation, that Ibalt be exhibited by them, we the course of Parliaments require: Doe pray, that he the said William Laud, Arch-hishop of Canterbury may be put specific to austration for all and every the premisses, that such Proceedings, Examination, Trials and Indoments, may be upon every one of them had and assistant is agreeable to Law and Instice.

FIN7S.

SIXTEENE

QVERES

PROPOUNDED By the Parliament of Ireland to

By the Parliament of Ireland to the Judges of the faid Kingdome.

As ALSO,

Another SPEECH, made by

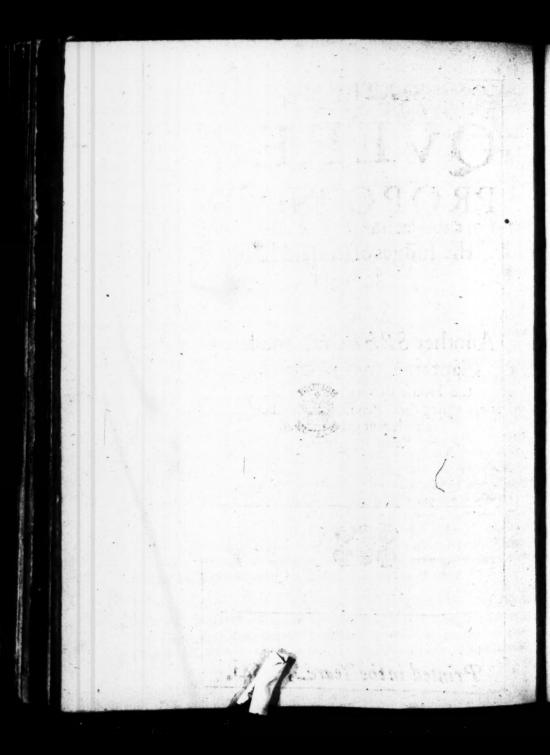
Captaine Audley Mervin, to

the House of Commons, concerning their Priviledges, and their exorbitant grievances in that Kingdome.



Printed in the Yeare, 1641.







SIXTEENE

QVÆRFS.

Propounded by the Parlia, ment of Ireland, to the Judges of the faid Kingdome.

I.

Hat the Judges may fet forth and declare, whether the Inhabitants of this kingdome be a free people, or whether they be to bee governed onely by the antiest common lawes of England,

II.

Whether the Judges of the Land doe take the Oath of Judges, and if so, whether under pretext of any Acts of State, Proclamation, Writ, Letter, or direction under the great or privie Seale, or privie Signet, or Letter, or other commandement from the Lord Lieutenant, Lord Depurie, Justice, Justices, or other chiefe Governor, or Governors of this King-



dome they may hinder, stay or delay the suite of any Subject, or his judgment, or execution thereupon, if so, in what cases, and whether, if they doe hinder, stay or delay such suite, judgement or execution, what punishment doe they incurre by the Law for their deviation pand transgression therein.

III.

Whether the Kings Majesties privie Counfell, either together, or with the chiefe Governor or Governors of this Kingdome, without him or them be a place of Judicature, by the common Lawes, where in case betweene party and party for Debts, Trespasses, Accounts, Covenants, possessions, and title of Land, or any of them, and with them may be heard, and determined, and of what civill Causes they have jurisdiction, and by what Law, and of what force is their order or Decree, in such cases or any of them.

IV.

The like of the chiefe Governors alone.

V

Whether Grant of Monopolies be warrantable by the Law, and of what, and in what Cafes, and how, and where, and by whom, are the Transgressors against such Grantees punishable able, and whether by Fine and murilation of Members, imprisonment, losse, and forfeiture of goods, or otherwise, and which of them.

VI.

In what Cases the Lord Deputie, or other chiefe Governors of this Kingdome & Counfell, may punish by Pine, imprisonment, Mutilation of Members, Pillory, or otherwise, they may sentence any to such the same, or the like punishment, for infringening the commands of any Proclamation, or Monopolie, and what punishment doe they incurre, that do vote for the same.

VII.

Of what force is an Act of state or Proclamation in this Kingdome to bind the liberty, goods, possessions, or inheritance of the natives thereof, whether they or any of them can alter the common Law, or the infringers of them lose their Goods, Chattels, or Leases, or forseit the same by infringing any such Act of State or Proclamation, or both, and what punishment doe the sworne Judges of the Law, that are priving Counsellors, incurre that vote for such Act and execution of it.

The right est to sold yell and very bar



Whether the subjects of this Kingdome be subject to the Marshall Law, and whether any man in time of peace, no enemy being in the fields, with displayed can be sent eced to Death, if so, by whom, and in what cases, if not, what punishment do they incurre that in time of peace, execute Marshall Law.

IX

Whether voluntary Oathes taken freely before Arbitrators, or others for affirmance, or disaffirmance of any thing, or for the true performance of any thing, be punishable in the Castle-Chamber, or in any other Court, and why and wherefore.

X

Why, and by what Law, and upon what Rule of policie is it, that none is admitted to reducement in the Castle-chamber, untill hee confesse the offence for which hee is censured, when as Revera he might be innocent theros, though subordined proofes or circumstances, might induce him to be censured.

XI.

Whether the Judges of the Kings Bench, and by what law, doe or can deny, the copies of Indiaments, of Fellony, or Treason to the parties

ties accused of Treason, contrary to the statute of 42. Edw. 3.

X 11.

Whether the starute of Baltinglase take from the Subjects, out-lawed for Treason, though erroniously, the benefit of his Writ of Error, and how, and by what meanes, that blind clause not warranted, by the body of that Act came to be inserted, and by what Law is it countenanced to the diminution of the liberty of the subject.

X 11 1.

What power have the Barons and the Court of Exchequer, to raise the respite of homage Arbitrarily to what value they please, and to what value they may raise it, and by what Law they may distinguish between respite of homage, upon the diversities of the true value of the Fees, when as all Escuage is the same for great and small Fees, and the apportionable by Parliament,

XIIII.

Whether it's censurable in the subjects of this Kingdome, to repaire into England to appeale to his Majesty for Redresse of Injuries, or for others their accusers, if so, why, and in what condition of persons, and by what Law.

Whe-

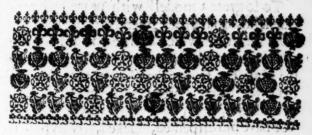


Whether Deanes and other Dignitaries of Cathedrall Churches, be properly de mero jure do ative, by this King, or not elective or collative, if so, why, and by what Law, and whether the confirmation of a Deane de fasto of the Bishops Grantee be good, and valid in the Law, or no, if not, by what Law.

XVI.

Whether the iffuing of Quo warranto's against Burroughes, that antiently, and recently sent Burgesses to the Parliament, to shew cause why they sent Burgesses to the Parliament be legall.

CAPTAIN



CAPTAINE

AVDLEY

MERVINS SPEECH to the House of Commons

in Ireland.

Mr Speaker,

T was equall care and policy in our Predeceffours. First to lay a foundation, and then by a continued industry to build and perfect so glorious a fabrique as the house of Comons lawfull summoned by the Kings writ represents it selfe unto us at this day. In which so elaborate and exquisite a structure being simished and crowned with those fruitfull and peace-speaking events, may challenge by night the title of a Jubile.

Te



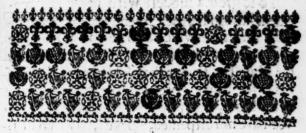
XV

Whether Deanes and other Dignitaries of Cathedrall Churches, be properly de mero jure da ative, by this King, or not elective or cotlative, if so, why, and by what Law, and whether the confirmation of a Deane de fatto of the Bishops Grantee be good, and valid in the Law, or no, if not, by what Law.

XVI.

Whether the issuing of Quo warranto's against Burroughes, that antiently, and recently sent Burgesses to the Parliament, to shew cause why they sent Burgesses to the Parliament be legall.

CAPTAIN



CAPTAINE

AVDLEY

MERVINS SPEECH to the House of Commons

in Ireland. ASTES

Mr Speaker,

T was equall care and policy in our Predeceffours. First to lay a foundation, and then by a continued industry to build and perfect so glorious a fabrique as the house of Comons lawfull summoned by the Kings writ represents it selfe unto us at this day. In which so elaborate and exquisite a structure being finished and crowned with those fruitfull and peace-speaking events, may challenge by night the title of a Jubile.

Te



To fo great a modell with neate and provident husbandry they intend no leffe then intable furniture (which allowed pride) disdaine to cloath it with any other, but with what by his Majesties favour they had procured out of his owne store; I meane those great and large priviledges, which by feverall acts of royall favor have bin difpenfed, annexed, nay hypostatically united, to the fame Priviledges are the foule, by which we move the Sinues and Nerues by which we are compacted they are the, by which we breatle Privileiges for their birth allyed to the Kings Prerogative for their antiquity facred, for their strength fo re-intrenched by comon law, fortified by statutes, insconfed by precedents of all times, that no man ever attempted their violation with impunity, fo that now and then it may be truly faid, Kings house is all glorious within. If we which are Heires to their lames, is unto their lands will strive to make no addition to the richinventaie of those priviledges they have bequeathed to us, yet with united spirits, let us all least prevent the dilapidation; nay the diminution of the least of them.

This present occasion of debating Mr. Fitz-Gerralds petition exhibited to this honomble house, sets before us bleffings and currings, and is the first lease. (as we may terme it) of the house of commons Almanack; not made to serve

ferve for one-but for many yeares, and calculated to serve indifferently for all latitudes, in which, our carriage makes this and all fucceeding dayes but fevill and working dayes, or otherwise imprints this day and our priviledges in a conspicuous, plausive rubrique to posterity; whileft the Palladium was in Troy, neither the power nor the long fiege of the Grecians, could prevaile against it, whilest Minoes purple lockes curled from their native roots, Creste was unvanquished. The Morall of these (affictions) emphatically preach and teach us this Dodrine, that the fafety, pregnancy, glory, and firength of this house, is but only sent us upon this condition, while A we keepe, preferve, and defend our liberries, our rights, our priviledges unbetrayed, unfuppreffed, and uncontrolled : if any more allyed to the corruptios of our own diffempers, then challenging an interest in us by a legitimate birth, could involve this grave and great affembly in fuch epidemicall liturgic, as directly to fnore, or at left to wink whileft our priviledges sleathed in a purple robe of glury (like a word never to be recalled) escape from among us, I fay if ungratefull, I should ent off the inherstance of these immunities entailed upon us, and confirmed us a monumentall portion apon this younger brother of flate, this House of comous what can me expect, but that our Eathers Ghosts apparetted with indignation, thould appear unto us with



us with this or the liking branding phrase. Most vngratefull and vnfortunate posterity. O atas parentum pejor Avis; better had it bin for you not to live then to out-live your owne infamie. If there had beene a necessity, you should involve your selves in a general-guilt, the election ought to have beene of such a one as might have dyed with your felves; but this like originall finne, binds your posterity to figh for a redemption. Did we bequearh unto you those faire ornaments to be stolne or fnatched from you? Oh, where, where was your vigilancy and boldnesse to present so disafterous and fatall a consequence. Did wee with no better successe of imitation by your labour, and even unto hoarsenesse contend in the Parliament held 39. Hon. 6. as Prophecying your weakenesse, leave you a secord to build upon? Where we admitted and priviledged one Walter Clarke a Burgeffe of Chipengham, though at that time in execution ad fest. Reg. Did we for this purpose recommend unto you Ferrars case and our proceedings againk the disturbers of his right? Did wee for this purpose recommend unto you Belgraves case 43. of the Queene. Who notwith fanding he procured his election in winchester by collusion, yet Manore the great opposition raised by the Earle of Huntington upon the fight of the Sheriffes returns (2 fuffi-

fufficient ameriment to fatisfie vs) we admitted and confirmed him in the protection of our house, did we for this purpose exemplific unto you the case of Richard Chidder, 5. Hemy 4. who being arrested in his journey towards the Parliaments (where note that the date of the election is the date of the priviledge.) They are twins of one birth, wee ingraft him as a twig to be writh'd by our common roote, and quickly lope off that fo perilous authority web would prunne our branches. Nay Mr. Speaker, our fellowes labouring Parliament in England, with their hearty comendation have transmitted unto us a precedent from each house. The house of the Lords opening the gates of the . Tower to prepare an entry to the censured Bishop of Lincolne, and the house of Commons with like imitation & likefuccesse having performed the fame in Sir Iohn Elliot and inhumecable others. But now I will endeavour to allay the diffempered spirits of our Fathers, whilest with more patience and duty we attend the modest corrections of our indulgent King And fo execut Patres; and Intr. H. 8. in his owne person commending the resolution and zeale of the house of Commons in preserving the lustre of their owne Priviledges from being Eclipsed, alledging himselfe to be interessed in them, since that hee and they, knit together, compleated



pleated one body, who in this out deferved calamiries, would not rather imitate us by fcofs, then qualific our untimely repentance by abfence of our owne murdering wrongs. What may not E.4.exprobrate unto us, who in the 3. yeare of his raigne, records his regall pleafure to polierity? That all Acts, Suites, judgments, censures & qui dicit omne excludit nullumawarded against any Member of Parliament, should be utterly youd and frustrate, crowning the Act with an Emphaticall epiphonema and this act to endure for ever. And furely common reason is pregnant in the justification thereof. That where the publique service and good is primarily intended, a supersedes must iffue to private respects, since they cannot had in competition, & inhabit our spheare; If their judgments are not yet calmed and fetled , behold his Majesty, that now is cloathed in his royall Robes, and thus speaking unto you from underneath his flate, Gentlemen, why flagger you thus, that are your felves the pillars of the commonweale, you are not upon breaking the Ice, nor bound upon the discovery of the unknowne world leach leafe reports your precedents that are like Maps that secure and expedire your fortunate Navigation. From mee you can expect no more fatisfactio, then what I have declared in the 3. yeare of my Raigne, un answer to the Petition of Right in Parliament

Hament, that I am interested in the maintaining of the Priviledges of this House, being a maine pillar of the liberty of my Subject, the goods of one 11 . 11/4 on being feileddir my name, and for my use, for denying Tomage and pondage, they re-affumed, hee being at the time of that seisure a Member of the House, and whether I distasted, sure Jam, I had no redresse. As for the tender care of my interest in the Fine of roood! and that you admitted my Attorny generall to a favourable hearing in my behalfe, though against your felves (a Parliamentary custome not to be written in fmall Print) I thanke you Gentlemen, yet I thinke you know, as well as I, that thefe great founding Fines to me, have in their effects, but thort and little accounts if there be 3 bags, the little one is mine: The 5000 1. dammiges to the party (a fumme equally or more to the defendants estate) is as much as Magna Charta, by those words of falto contenemento, would warrant. Therefore my Judges by dividing it, might have confidered me Igmewhar, whereas now the old proverbe binds me, where there is nothing left, the King loles his right. tence void (Mr. Speaker) I beme no proboffour of the Law, ver a Disciple of reason, and the body of the audient Subject to the lit. dina.



(14)

Now Mr. Splaker, in a Parliamentary way, wee must withdraw and enter into our owne Spheare. Enter into a discusse of those objections, that impugne Mr. Fitz-Gerralds election, admittance and priviledge of this House.

The first that ushers in the traine, is a fentence cloathed in fable, flanding on tip-toe, and with a ruftie dagger thrusting at a flarre, I meane a sentence speaking error, a sentence vifiting the third and fourth generation, a fenrence striving to leap over the bounds of magna charta, thirty times confirmed, a fentence awarded again a Judge of a higher Court, then from which it issued. The cause in question is to nullifie this featence, which if hee appeare a person capable of his priviledge, mote sus vivit, and then neither it, nor any thing derivatory, or collater all to it, may bee admitted againft him by the rules of common, civill, or cannon Law, it being a maxime confonant to them all. Non potes odduci ejufdam rei excepio enjus petitur diffolutio. Now to prove this fentence void (Mr. Speaker) I being no professour of the Law, yet a Disciple of reason, and the body of the audient Subject to the like guilt,

quilt: I will couch my felfe in argumets, qua probut & non probantur, leaving precedents and Booke-cases to the learned long Robe: Then thus largue. By the Stat. 3. E. 4. All judgemets, culures, sentences, &c.awarded against a member of Parliament are void, so was this government: fome may fay, the King is not here included, I say (qui dicit omne, excludit nullum) And experience, the mother of knowledge, teatheth the same in precedents afore rehearsed, and one I will adde for all, which is Tremman, 18. Hen. 8. who was in execution upon a writ of exigent after a Capias ad fatis faciend. at the Kings fuite, and yet priviledged, besides, this is not at the Kings fuite, for the King is interessed here but secondarily both in name and profit. Now I must make good my minor, that he is amember of this house: hee that was duly eleded and truely returned, is a member of this house, so was he. Ergo, &c. My minor will be questioned, J confirme it thus, where the lings writ for election is duely purfued, according to the most vsed and received forme, there such an election is good, so was this. Ergo. Here (Mr. Speaker) falls the weight of their objection, which we will master, and answer with equall speede, and first vellicat mibi aureum nescio quis, and

faves the writ is Burgenfide Burgo, but he is not Burgensis de Burgo. First I say quomodo constat. here is none to offer in proofe he is not fober fide I offer it in Quære, whether the election doth not ipfo facto make him a Burgeffe, & in omni instanti, againe I say the writ is directive not positive. v.g. in a venire facias, the Sheriffe commanded to returne 12. yet if hee returne not 24. he shall be fined, in respect experience and practice proves, some of the 12. may be questioned and challenged: besides the writ explains it felfe, the Knights must be comitatus tui, but the Burgeffes and Citizens dequalibit Civitate & Burgo, which can admit of no other coffruction, but these two Burgesses out of every Burrough (& not as Comitattus tuisis, which were then of every Burrough, and certainly the Law provided this with great reason as not doubting every Sheere could afford a Knights, resident, yet jealous, whether every burrough could provide 2 resident Burgesses qualified with these necessary adjucts, as could befit a member of so noble a place; Againe the writ commands duos milites, and yet exception was never take upon retorning of Esquires, fo that the writ expounds it felfe, it is not literally to be taken. Next there is Thunder and Lightning that out of the Statute 33. H. 8.00: ing a Stat. to regulate election, and absolutely commanding every Knight and Burgesse to be resident

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resident and have a certaine Fee-simple in cvery burrough and County, out of which they reelected; Here they suppose our Priviledge will cry quarter as ready to be murtherd by the Statute, but it is ominous ante victoria canen. For first, we answer, that the disuse of a Statute antiquates a Statute, as is observed upin the Statute of Merton, and custome applauded by fortunate experience hath in all Parliaments ever prevailed; a house of Commons would rather present Babell in it's confusion, if the Tincker would speake his Dialett, the Cobler his, and the Butcher conclude a greafie Epilogue, then the writ were well purfued, thefe were fdone i homines to take & give counsell de rebus arduis; but even to cut off the head of their owne argument by a Sword of their own, this Stat. of 33. H. 8. feetnes by the preamble to be made in repeale of all former Statuts, by which, election not qualified with residencie, was made void, and so became a greevance to the Common-wealth, & therefore this Statute makes the election not observed ut supra, onely penall, so that there is nothing offered in objection, either from the writ or Statute to avoid this election. Now I have placed him & daily elected him, and then his priviledge growes by confequence, but yet we have other objections minoris magnitudinis, & to repeate them is to confure them; First fay they eve-



ry Libelleris, de jure, excomunicated; Janswer, every Libeller must be Scriptis; Pittis, or Cantilenis, our member is guilty of none of them, no, he is not termed, fo neither in the censure, nor in any present proceeding. flourish is, that hee pleaded not his priviledge in the Castle-Chamber, in which very objection, they confesse him priviledged, and make themselves guilty, that they would proceed against a knowne member of our House . But see the Roman Spirit of Mr. Fitz-Gerald, who would rather undergoe the hazard of being a Starre-chamber Martyr, then to submit our Priviledge to an extrajudiciall debate. It was in our honour beedid this, and for his eternall applause: some body fayes the castle chamber will thinke it selfe injured, there being Lords of the house of parliament at &in the censure. As for the Lords, bumanum est errare, but the Iudges are rather involved in these words Prameditata malitia, for his election was the II. of November fitting the in Parliament; and his censure the 13. of December, so they had 22. or 23. dayes to repent of their ill-grounded resolution, a greater affront never offered to the houle of Commons, being comparative, as if the Recorder of the Tolfell should sentence the Lord chiefe Fustice of Ireland a member of our house is 2 walking Record: & needs notto melt the Kings picture

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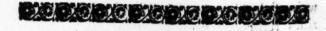
pisture in his pocket. Others alledge, it was an election purchased by collusion, but de non existentibus & non apparentib. eadem est ratio. And fince the end of his election is in it felfe and per-se, for the advancing of the publicke fervice, as well as to prove a fentence not then in rerum natura, both Law and charity in abenigne contruction of these 2.ends will allow the more favourable. Another objection is whispered, that the entrance is not found in the Clerke of the Parliaments Role; This is no matter to the validity of his election, for his Priviledge commenced 40. dayes before the Parliament, therefore this and the like are to be judged of as accidentia que possunt abesse & adesse sine subjecti interitu. Truely (Mr. Speaker) my memory and lungs begin to prove Traitors to me; Another objection, if omitted, may be judged by these of what strength. and maturity they, even as by the coynage of a penny, one may judge of a shilling; What hinders then, since here is water but that hee may be baptized? Here are no non obstant's to be admitted in his new Pattent of Denization, the common law, the Statute law, the Canon, the Civill Law plead for his admirtance, the writ of election, the exeplification of the Sheriffes returne, all presidents of all ages, all reports plead for his admittance, our fore-Fathers Ghosts, the present practice of Parliaments in England plead for his admittance, the



the Kings successive commands, command and confirme his admittance; Away then Serjeant and with the hazarding power of our Mace touch the Marchals gates, and (as if there were Divinity in it) they will open and bring us our Olive branch of peace wrested from our stock, that with welcome Art we may ingraft him to be nourished by a common roote. Thus the King shall receive the benefit of an able Subject, who is otherwise, Civiliter mortuus, we enjoy the participation of his labour, and posterity both ours and this.



FINIS.







CURATESŁ

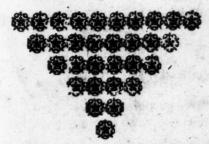
CONFERENCE; Poorest, Martin

DISCOVRSE

BETWIXT TWO SCHOLLERS:

Both of them relating their hard Condition, and confulting which way to mend it.

Interpone tuis interdum gaudia Curis.



Printed in the Yeare, 1 6 4 I.



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nivertitle of Oxford all 18 Oran de des de vei A Discourse betwixt two Schollers; both of them relating their hard Condition, and confulting which way to mend it.

time the Wasden of the College Lal a ration and to Leget the military and to Leget the military and a Manale e

ELL met good Mafter Needha Tam heartily glad to fee you here, how have you canvas'd the course of the World this many a day good Mafter Poorest

M. P. Good Sir, take the paines as to walke into Panles Church, and wee will conferre a little before

Sermon beginnes.

M. With all my heart, for I must not so suddenly leave your company, having not enjoyed your fociety this long time. M. 7.



Mr. P. Good Sir, tell me, are you refident in Canbridge in the Colledge fill; I make no question burtle Univertitie and your merits have preferr'd you to some good Fellowship, Parfonage, or the like good for-

tunes.

M. N. Alas ! good Mafter Postoft, this is not an age for to beltow Livings and preferments freely, to now as twas faid long agoe; Si nihil astulcris ibis thomere foras, I tell you, tis pity to fee how Juniors and Dunces take possession of Colledges, and Schollerships and Fellowships are bought and sould a Horses in Smithfield. But I hope you are growne fat in the Countrey, for there is not such corruption there as there is

among the Males.

Mr. P. Ile deale plainly with you, I stayd in the U. nivertitie of Oxford till I was forc'd to leave it for want of subsistence. I stood for three or foure severall Schollerthips, and though I was found upon Examination fufficient, yet I doe feriously protest, that one time I was prevented by halfe a Bucke and some good Wine, that was fent up to make the Fellowes merry : and another time a great Ladyes Letter prevail'd against all abilitie of parts, and endowments what soever: a third time, the Warden of the Colledge had a poore kinfman, and so he got the major part of the Fellowes on his fide, for feare, and flattery, that there were no hopes to swimme against so great a streame; and so I was forc'd to retreat into the Countrey, and there turne first an Usher, and at last was made Curate under a great Prebend, and a double beneficed rich man, where I found promifes beyond performances; for my Salary was inferiour by much to his Cooke, or his Coachman, nay, his Barber had double my Ripend; for L was allowed but eight pound per annum, and get my owne victualls cloaths and bookes as I could; and when I tould him the meanes were too little, he faid that if I would not, he could have his Cure supplyed by another rather for leffe then what I had; and so I was yoaked to a small pittance for the space of twelve

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Mr. N. Ist possible there should be such a concurrence of hard fortunes; It was no otherwise in our Universitie, when I stood for preferment; for at first, a Lawyers sonne had the Schollership; because his Father had done some businesse for the Colledge at Common Law; and a Doctor of Physickes sonne was preferr'd in my place to a Fellowship, because his Father had cured the Malters wife of a Timpany; and so finding all hopes gone there; I went home to my friends, and so within a while after I was made a Minister, and serv'd a Cure.

M. P. Where I pray you is your Charge?

M', N. It is in a little poore parish hard by Pinch-backe in Lincolnesbire, where the Church-warden is scarce able to give the Minister more then a Barley Bagpudding to his Sundayes dinner. Where are you placed?

Mr. P. I serve a Cure hard by Hungerford in Wilefire; where my allowance is so short, that was it not more for conscience to be in this my calling, I had ra-

ther be a Cobler, and fit and mend old shoes

Mr. N. I protest, I thinke were Curates are worse dealt withall by the rich double beneficed men, then the Children of Israel were by the Egyptians; for though they made them worke hard, yet they allowed them straw and other materialls, and good victualls; for they longed after the self-pots of Egypt, which proves they had them a long time; but we are lored to worke, and yet can get nothing: and yet these should be either Fathers or Brethren to us, but they were enemies to them; and yet they dealt better with them, then these doe with us.

M. P. They deale as bad with us as they doe with



their flockes I meane their pariffidners, for they

flarve their tonles, and pinch our bodies.

M. N. I wonder how there Lip-parsons would doe, should there be but once a general? Content of all the Curates to forbeare to preach or reade prayers but for one three weekes, or a moneth onely, how they would be forc'd to ride for it, and yet all in vaine; for how can one person supply two places at one time twenty miles distance?

Mr. P. By my confent they should have for every Benefice, a wife, they should have varietie of pleasure, as well as of profit; but withall, I thinke that course would quickly weary their bodies and purses too.

M. N. Wives, oh ftrange, no I would not live to fee that day; for if they be so fearefully covetous having but one, I wonder what they would be, having so

many.

Mr. P. Oh Sir, I tell you, they might by this course in time stand in no need of Curates, nor Clarkes noise ther; for if they could speake as much i'th Church as at home, they might serve the turne; and they are all Masters of Art, to gather up the small tithes and East

fter-booke as well as the Clarke.

Mr. N. Nay, now fince wee are fallen upon it, lle tell you, our Parson hath a Living in London as well as here, and his wife is so milerably proud, that both Livings will scarce suffice to maintaine her, in so much that shee takes out of the Curates wages, as halfe of every funerall Sermon, and out of all Burialls, Churchings, Weddings, Christnings, &c. shee hath halfe duties, to buy Lace, Pinnes, Gloves, Fannes, Blackbags, Sartin Petticoates, &c. and towards the maintenance of a puny Servitor to goe before her; nay, shee payes halfe towards the maintenance of a Coach, which shee either gets from her husband, or elle from the Curate, by substracting his allowance at the quarter day;



day; and what more is thee made her Curate in London to enter into bond privately so her husband, to leave the place at halfe a yeares warning; or else her husband the Parson of the place, would not have granted him a Licence for the place.

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Mr. P. Oh strange I ist possible that this old remainder of Popery should be yet upheld by our Clergic, to have such Pope-Joanes to rule the Church. I have heard say, there are three places in which a Woman never should beare any sway; the Buttery, the Kitchin, and the Church; for Women are too covetous by nature to keepe a good house; and too foolish to rule a Church.

Mr. N. Alas! Master Needham, there is a necessitie in this, for I thinks our Parson bath scarce wit enough to doe it; and though he had, yet his wives songue would put him out of his wits, if he should not let her have her will.

M. P. What care I how ther punished him, to that thee did not intrench upon our Liberties, but alas, thee breakes her husbands backe, and pinches our bellies.

Mr. N. Such a peice of correction hath our Parfon too; for I bought but one new cloake in fixe yeares, and that money too was given mee in legacy by a good parishioner, and thes, oh how there envied my felicitie, and inform'd her husband, that I waxt proud; and advised him to get another in my place.

M'. P. Ift possible! and yet our the Regent is not unlike her, for thee frets fearefully to heare that a worthy Gentleman, who lives in the parish, loves me so much; it galls her to the quicke, if the Parishioners out of their loves give meany thing to mend my Salary; oh shee thinks all's lost that goes beside her, hands!



M. N. Well, but what does your great Parson with all his wealth? does he keepe good hospitalitie? or is he charitable to the poore, what's his name?

D. Proud.

M. T. Alas, nothing leffe; he weares Caffockes of Damaske, and Plush, good Beavers, and filke Stockings; can play well at Tables, or Gleeke, can hunt well, and bowle very skilfully; is deeply experienced in Racy Canary; and can relish a Cup of right Claret; and so passent the time away; what's your great Overseers name?

M. N. De Harding. What goodnesse lodgeth in

his Corps?

M. P. Little or none, he is worse then yours, for he never comes to visit his Parish, but Horse-leech-like, he suckes them; he loves preying better then praying, and forces his Parish to humilitie by oppressing them; he was a maine Projector for two shillings nine pence ith pound, and lookes like a piece of Reezed Bacon ever fince the plot failed; hee's tormented with the yellow Jaundies, and a wanton Wise, which are like two incarnate devills, will force him to believe a hell before hee comes this ther.

M. N. It's no great matter, tis but just that he that torments others, should take the same sauce him-selfe.

Mr. P. I'le tell you what his Custome is, when he comes amongst us, he neither prayes nor preaches, the one I thinke he will not, the other I searche cannot performe.

M. N. Ohftrange! how came hee then by fuch

Livings?

Mr. P. Esfily enough, for its money that makes the Parfons Horse to goe now adayes, for they may say to Parsons, as it hath beene of old said of bookes, Quanti emisti banc?

Mr. N.

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M. N. I'le affure you. I am afraid he is discondition at our Church-government, as well as many ow ther great Parsons; for they force and strictly enjoying their Curates to reade all divine Service, which they never doe themselves.

Mr. P. It's a strange world, that they should flourish and flow in wealth for doing nothing; and the poore Curates that doe all, can get nothing; I'le tell you truly, he has not given his Parish a Sermon this three quarters of a yeare.

mon, which enjoynes them to Preach once a moneth.

Mr. P. Pish, what doe you talke to them of the Canons, they who can make new ones, thinke they may light the old ones; their Canons are like those Lawes, which caught flyes, but could not hold hornets or great bees, they are the Curates, who are set to be Canoniers, these endure the heat of the day, of this once or twice a day preaching; alas, they say as the Priests did once to such as the such as

Mr. N. You speake truth, and I will maintaine it, that our Doctor differs not much from the Weathercocke on the Church Steeples for as it is plac'd highest, sayes nothing is sounding braffe, or some such mettall, and turnes as the Winde. So he rules all the Parish, seldome preaches, is voyd of charitie, and turnes in his courses every time; for sometimes, he is all for Ceremony, sometimes indifferent, sometimes against them, he hash made a terrible combustion, where and how to place the Lords Table; It stood in the Church, and it must be advanced into the Quire, then it must be East and West, and presently after, North and South steepreds mace-vered, rayled, without raylet, and this sthiomach.



that, of this wood, of another y may, he himlife who was the first that alored it, but how within this month or two, alored his opinion, and placed it agains in the body of the Church of his Westhercocke.

M. P. Oh lamentable, that Gurates floudd bee shadowes to such empty shells; but our great Dostor, hee's of another straine, he cares not much, I thinks, whither there was any Table or Communion at ally so that he may receive his Tithes, the not so much to him whither it be an Altar or a Table, so that he can get the gold that comes from it, he is so taken with covetousnesse, that so he may get money, what cares he for either preaching or praying, I tell you, her threatned a poore Widdow, to put her into the Court, because (as hee was toold) shee had thirteene egges in a nest, and yet gave him but one for sythe.

M. N. Well, our Master is as full of Eaw, as yours can be of coverous field: he threatness one of his Parishioners for sneezing in prayer time, because he hindred his devotion, nay, he made one jather it up a foote into the Arches four-floore miles, because he defired to receive the Communion in his feat, may, I protest, that the Parishioners when they heare he is going away, doe usually make him for feath but it is for joy, that they shall be rid of him till next Sum-

Mr. P. What is yours a good able Schollers) massing a grown to good able schollers.

Mr. N. Yes, he is Scholler good enough, but he preaches Christ out of contention.

Mr. P. That's fomething yet, but also our Parfon is as bad as one of Sunder for Doctors; for he was made Doctor in Scotland, when our King was there a Rie was not you, that he knowes nor whi-

ther .



The Curates Conference.

ther Saint Ambrose was a Greeke or a Latine Fa-

M'. N. Oh miserable!

Mr. P. Nay, he holds Greeke for Heathenith, and Hebrew for Jewish Languages, and Latine he sayes is the Language of Rome, and so holds ignorance best in these: he scarce knowes the difference betwint Annus and Annus, or betwint, Annus or Annu: I have heard him reade Opa. temebr. for Opera temebrarum, because they were cut a little short, and sayd the Printers deserved punishment for curtailing good Latine: I heard him also decline Senex for an old man, genetive Senecis, and was consident that he was right too.

Mr. N. Oh fuch Doctors had need to pray that Popery may come in againe, for then swas well when the Priest could reade Latine, whither it was right or

wrong.

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Mr. P. And yet he is loaden with no less then a good Parsonage, a great Vicaridge, two Prebendships, and another place worth sourcescore pound by the yeare; its impossible sure for him to preach, for telling his moneys.

M. N. Any of all those places would suffice you, or my selfe, but also ! Withers and woulders, you know how the Proverb runnes : these optative Moods

are meerly poore and beggarly.

Mr. P. I deale plainly with your, I was offered a place in the Citie of London, but the name of it frighted mee, it was at Saint Perry ith Poors, and I thought, I had enough of poverty already, and so I refused it.

Mr. N. Just so was I officed to serve a Cure more North by farre then this is, but the name of it startled mee, and turned aside all resolution towards it: for it was at a place called Surveing in Camberland.

M. P.

Mr. P. Nay, Iletell you more Maker Nordhand I thought to have gone up to London, had not our Doctors Curate there one Maker Hand-little told mee plainly, that most Curates in London lived upon Citizens Trenchers, and were it not that they were pittifull and charitable to them, there was no possibilitie of subsistence; and that of late it went harder with them, then before, for ever since the Parson would have so inhanc'd their Revenues, the Citizens have mainely withdrawne their purses, so that now the Curate must live upon his set pittance, or else starve.

M. N. Well Master Poorest, I doe not intend to stay longer in the Countrey, for I will waite here in

Towns upon hopes a while, a man ho . W . M

old Proyerb true, London lick penny on will finde the

Mr. N. I am refolved upon it, though I goe to the three-penny Ordinary; my Reason is, I doe heare say, that there are great there of Clarkes places about London, that are good allowance for Schollers, some worth two hundred pound and upwards per amon, I know some of the Parish Clarkes are worth seven or eight thousand pounds; oh their sees come in sleeping and waking: what thinke you of the plots?

Mr. P. I marry fuch places are worth the while,

but how should one catch them?

M. N. I'le affure you, 'cis a shame that such Merhanickes should live in such state as they doe, many of them are as greedy of Funeralls as Vultures of dead Carkasses, and they are most of them in an islumant for exacting most grossely in their sees, hence is it that some of them rule the whole Parish; and Parson, and all, you shall see them upon sessivally dayes, as well cloath'd as the chiefest Citizens; their singers

has buried foure or five husbands, and their necker for as bigge with a curious Ruffe as any the proudeft Dons in Spaine, oh what pure rich night caps they weare, and good Beavers; before all this, they can have their meetings usually life Tavernes of three or foure pounds a futting, when as poore Curates must not looke into a Red Lettice, under feare of a generally centure.

M. P. Oh strange but thinke it was well if Guirates could turne Parish Clarkes, if to be as you say, is the better course by farred and said said line I may

M. N. Come, come, I tell your, wee are bound? to looke out for our felves, and I know no more fafer course then this, for most of the Clarkes have trades to live upon besides but I hope their Charter will fayle, and then others may conseint their places.

M. P. What fay you Master Needham, how strong are you, I will you goed and shew methat pretty banquetting house for Carates, it means the three penny. Ordinary, for Lean goe no higher I and of any you're

M. N. I, I with all my heart, for I am almost at the same cober: but less hope better; things will not alwayes ride in this Backens and another and the same and

are but as the stalking horses to the Clarkes, for they get wealth by our labours, may shimmed.

M. N. Are you advited of that; you would say so indeed, should you have se some of their Bills, so much for the kneels so much souther grave, for the corps more if costinit; show you, if in such a Church-yard, more then that, if in the Church; higher yet, if it be in the Chancell, be youd all these, if buried with Torchess and servicing and mounting, with attendance; but it is put upon the B. 3



highest straine, if it be a stranger. Befides for Matrie ages by Banes, or by Licence, for making the Certificate : fo for Churchings, and diverse other wayes

and nothing to the Curate all this while,

M. P. Well, I conceive it more then ere I did. but now let us leave off Discourse, and fall to our Commons, what a pretty Modicum I have here. fure this Ordinary-keeper has beene fome Cooke or Scullion in a Colledge, how dextroully the fellow playes the Logician, in dividing the meat p'cis an excellent place fure to learne Abstinence by, I promise you, I will vifite this house as my stocke holds out Its just one degree above Dining with Duke Hamphery, tis as good as a Prefervative against furfets.

Mr. N. Oh good Brother, tis as fine a refreshment as may be; I hold it wondrous good, for here a man shall be sure to rise from his meat as many or thers use to fit downe to it, with a stomacke,

M'. P. I'le tell you one thing, which I had als most forgotten. I was offered the other day to goe a Voyage to the East Indies, to bee Preacher in

Ship.

M. N. Excellent well, oh refuse it not; tis fare beyond living ashore for ten pound per annum, I know you will finde brave worthy Merchants, you cannot want, if you undertake it, work man the same as and sus

M'. P. I promise you, I had determin'd to have gone in one of his Majesties Ships upon our narrow Seas, but if the voyage be so good, I'le away (God

willing) next forings and conducting on a second act M. N. Ple tell you, what I intend if I miffe of hopes this way here, to follicite to be a Preacher to a Regiment of Souldiers, if there be any fervice this next Summer ; for wee cannot be lower then now wee are ; I would have given you Mafter Poweff; one pint



pint of Wine, but Ulera posse non oft ess, as you know.

M. P. I am as willing to have done the like to your felfe, not having seene you so long since, but my purse denies abilitie.

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Mr. N. I must be gone at one of the clocke, to meet with a Gentleman of the Innes of Court, well good Brother, God blesse us both, and send us better times, and a happy meeting.

Farewell.

TO THE PROPERTY OF THE PARTY OF

FINIS.



The Curates Conference. mint of Wine, but Olera pose non of offer at you Mr. P. I am sowilling to have lone it eller to your elfe, not having feme you lo long fince, but my just denies abilitie. M. W. I must be gone at one of the clocke. to meet with a Gentleman of the Innes of Court, well good Brother, God Helle us beth and fend us better times, and a happy affecting. Farewell. Second .

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A

LETTER

Sent from the Earle of STRAFFORD
to his Lady in Itelanda little before
his death:

May 11. 1641.



Printed in the yeare 1641.

Sent from the simils of Siring Sent from the simils of Siring Sent from the simils of Siring Sent since the similar of Siring Sent since the similar of Siring Sent since the similar of Siring Sent since the since the



Princed in the yeare 164.

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LETTER SENT FROM THE EARLE OF STRAFFORD TO HIS

1152

LADY into | RELAND a little before his death, May the 11.

Ou shall receive my dear wise, my last words, in these my last words, in these my last cimes; my love I send that you may keepe it when I am dead, and my counsell that you may remember it when I am no more is would not with my will present you sorrowes (dear wise) let them go to the grave with me and be buried in the dust, and seeing it is not the will of God, that I shall see you any more, beare my distraction patiently, and with an heart like your selfe.

Frit, I fend you all the thankes which my heart can conceive or my words expresse, for your many travells and cares



for me, which though they have not raken effect as you wished, yet my debt to you is no lesse; but pay it I never shall in this world.

Secondly, I befeech you for the love you bare me living, that you do not hide your felf many daies, but by your travell feek to helpe the miserable fortune and the right of your poore children, your mourning cannot availe any thing that am but dust.

T hirdly, you shall understand that my lands were conveied (bona fide) unto my Monne; the writings were drawne at Midfummer was twelve month, as divers can witnesse: to what friend to direct you know not, for all mine have left mein the true time of triall; most lorry am I that being thus furprited by death I can leave you no better effate; God hath prevented all my'determinations, that great God that worketh all in all; & if you can live free from wantscare forno more, for the reft is but variey, Develor and begin betimes in him; so shall you find true everlasting comfort, when you have travelled

all forts of worldly cogitations, you shall fit down with forrow in the end: Teach your some also to feare and serve God whilst he is yong, that the seare of God may grow upon him; then will God be an husband to you, and a father, to him, and a husband, and a father, that never can be taken away from you.

Balo oweth me 10000 Pound and Arian 100. pound, in Icrnicy I have also much owing men old siti but a 1950le

Deare wife, I befeech you for my foules fake, pay all poore men when I am dead: no doubt you shall be much fought into, for the world thinkes I was very rich. Have a care to faire pretence of men, for no greater misery can befall you in this life, then to be a prey unto the world, and after to be despited. If speake, God knowes, not to distinate will be the best for spin, both in respect of God, undoes the world. As for me, I amino more yours, nor you mine; death bath cut us alunder,

and God hath divided the from the world and you from me. Remember my chikle for his fathers lake, who loved you in his happiest chate. I fued for my life, but God knowes it was for you and your that I defined it, for know it, my deare wife, your child is the lon of a true man, who in his owne respect despitch death.

l cannot write much, God knowes how hardly I steale time, when all are asserted: And it is also time to separate my thoughts from the world. Beg my dead body, which living, was denied; and either lay it in Alexand or Amley by my Father and mother. I can say no more, time and death calls me away. The ever lasting God, powerfull, infinite, inscrutable, God almighty, who is goodnessed selfe, the true light and life, keepe you and yours, and have mercy upon me.

my boy. Pray for me: and let my me God hold you both in his armes.

FINIS.

de his out urs are an,

Melke File





LETFR

Sent from the Earle of

STRAFFORD

to his Lady in Ireland, a

May 11. 1641.

Together

With a Speech of

M" PLYDELL

ESQVIRE Concerning the Church,

Feb. 8. 1641.

Anno Domini, 1641.

LETTER SENT

from the Earle of Strafford to his Lady into Ireland a little before his death, May the eleventh, 1641,

Ou shall receive my deare wife, my last words, in these my last times; my love I send that you may keep it when I am dead, and my counsell that you may remember it when I am no more:

I would not with my will present you forrowes (deare wife) let them go to the grave with me and be buried in the dust, and seeing it is not the will of God, that I shall see you any more, beare my distraction patiently, & with an heart like your selfe-

First, I send you all the thanks which no beart can conceive or my words expresse, for your many travels and cares for me, which though they have not taken effect as you wished, yet my debt to you is no lesse; but pay it I never shall in this world.

Secondly, I befeech you for the love you beare me living, that you doe not hide your felfe many dayes, but by your travell feek to helpe the miferable fortune and the right of your poore children, your mourning cannot availe any thing that am but duft.

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Balo oweth me 1000 pound, and Arian 1000. pound, in Iernsey I have also much owing me.

Deare wife, I befeech you for my foules fake, pay all poore men when I am dead: no doubt you shall be much fought unto, for the world thinkes I was very rich. Have a care to faire pretence of men, for no greater misery can befal you in this life, then to be a prey unto the World, and after to be despised. I speake, God knowes, not to disswade you from marying againe, for that will be the best for you, both in respect of God, and of the World. As for me, I am no more yours, nor you mine;

death bath cut us afunder, God hath divided me from the World and you from me. Remember my child for his fathers fake, who loved you in his happiest estate. I sued for my life, but God knowes it was for you & yours that I desired it: for know it, my deare wife, your child is the son of a true man,

who in his own respect despiseth death.

I cannot write much, God knowes how hardly I steale time, when all are asseepe; And it is also time to separate my thoughts from the World. Beg my dead body, which living was denied; and either lay it in Aleaune or Ansey by my Father and mother. I can say no more, time and death calls me away. The everlasting God, powerfull, infinite, inscrutable, God Almighty, who is goodnesse it selfe, the true light and life, keepe you and yours, and have mercy upon me.

My deare wife farewell. Lord bleffe my boy. Pray forme, and let my true God hold you both

in his Armes.

FINIS. The Final State of the Woods

pourd, in Ternfey I layeral formaction in an Degree wille, I lect soft was for my looked my all power man with the formation with the fall because in ferral configurations of the fault because in ferral configurations.

sica for no greater follers can be false and a fill lite. Then to be a prey us to the World, and sider a be delpiked. I focake, Cold in west in a state a leave in four from mistrying again, or the selection you, both in respect of Cod, and of the World.

After me, I am no more you're not you wine;

After me, I am no more you're not you wine;



SPEECHOF

Master Speaker, wow



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is allo Id. Beg und eier and Ils me

e, in-

felfe.

Have heard, fince I had the honour to fit here, many grievances presented, and truly Sir, my
heart bleeds within me when I
thinke of them, especially those
that concern Religion. But what
should I speake of grievances

concerning Religion, when Religion it felfe is become a grievance, pay the very Nurse and Mother of all grievances, all scandalls, all reproaches?

Tantum Religio potuit suadere malorum.

SIR.

Not to trouble you with any long discourse; if I have any sight, That Bark both of Church and State hath a long time floated betwixt sylla and Charybdir, Popery on the one side, and I know not what to call it on the other; in many respects both



afile dangerous, unless the Iralian Proverbermay plier the Gase; God desendine from my reputed friends, and I will defend my selfe from my prosest enemies.

Sir, We are entrufted by God, the King, and the Countrey, with the managing of this Bark, fraught with the fortunes of three great Kingdomes. Now should wee so decline the former Rocke, that wee dash on the other, side: I humbly offer it to this Honourable Askenbly, wheth expect with not have just cause to say, the had changed her Pilot, rather than her Condition; and only shifted places to find her ruine: For Sir, there is as much beyond Truth, as on this side it, and would we store a sight course we must be sure to keepe the Channell, lest we fall from one extreasile to another, from the dotage of Superstition, to the frenzie of Prophaneses fe, from bowing to Idols, to worship the Calves of our own imaginations.

phlets are now printed, what Sermons are preached, not building hay and stubble, but interly subverting the foundations of Truth; What interested, what profanation of Gods Service, to the scandal of Christianity, the repreach of Religion, and the intollerable griefe of all good men, of which I may take up the words of Petrus de Aliaco, to the Councel of Constance, Nife celeriter state reformatio, under differe, and lives mayna fint que videnue, tamen in brevi incomparabilia majora videnus, o post ista tam horrenda majora alia and seman.

eare, no maniement, but a faithful lover of faith

and

and prace, and advertalk som of bead three fed Mow then the Church of Bod land, librarhofe behalfe, and our own, my motion hall be mortly this. That the Ministers perinion, with so much of their Remonal france as hath beaniroad may be commisted, and the rest of it concerning matter of dostrine may be referred to fome learned and approved Divines, as have foent their time in that noble study. For give meleave to tell you shere is a Hoken among the clergy, as among the Laity & in wraged nil medicum; and for these and all things which Brike at the root and branch as they please to call it, I shall humbly move, that we rather consider how to satisfie the petitioners with some timely declaration from both Houses, of the lawfulnesse, and conveniency of Episcopall Government, derived from the Apofiles, and fo long established in this Kingdome, rather then to venture upon any alteration, the conlequence whereof, the wifeft man cannot forefee, and in truth Sir, should we once begin, for my own part, I know not how, or where we should stay.

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Neverthelesse, if any one doubt the superiority of Bishops over Priests and Deacons in Ecclesiastical government, or in ordination, I shall be readie, whensoever this House shall command me to make it good, and I think by as pregnant testimonies, as we are able to prove the difference betwixt Canonicall and Apocryphall Scripture, the necessity of Infants baptisme, or that the Apostles were the Authors of their owne Creed: But Sir, I hope you will save your selfe and me that labour, and rather devise of some set way to binde up the Churches wounds



wounds, which God knowes are too wide already, that so the Clergy and Lairy being made friends, and all reduced to the modell of our Anceston since the reformation, wee may all together preserve the unity of the Spitit, in the bond of peace; and so his Maiesty having graciously, and prudently express himself, I am the more consident, we shall not only put an end to all mis-intelligence betwixt Prince and People, but also highly advance the Protestant canse, and give a deadly blow to the See of Rome.

Sir, I humbly crave the favour of the House, for God is my witnes,

flies and follows that Blied to to King

Non potus aliter liberare animam memper lecuence manufacture liberare animam memper and sold in the so

Neverthelette, it was a constitute for receive of Bishops over Priest and D. adment Co. Sale call government, or in ordinarion, I sall be reading where over this Poure it all opens on a make it good, and I this k I vas propose a finite we are able to prove the difference in twints a coircall and Apocryphall S repure, theneous to a latant baptisme, or that the Audiles were the chorsof their owne Creed: "Siril was a fave your fife and me that a cour, and rather covile of some set way to binde up the Churches wife of some set way to binde up the Churches



PROTESTATION

Against a foolish, ridiculous and scandalous Speech, pretended to be spoken by

THOMAS WENTWORTH.

lod

of Biffi call go where it good weare nicall

fave y

Late Earle of Strafford, to certaine
Lords before his comming out of the Tower:
As also against the simple and absurd Letter to his
Lady in Ireland, together with the onely true
Copy of his Speech, and the charge delivered to his Son.



Princed, Jano 1641.



PROPESSALION

Againt a facility will tand to a same

THOM

Late Earle of the m. to

Lords Defere as en Supéra.

As allo egainté the comme de la comme

Printed, Anno 1641.

The Speech suggested to bee the late Earl of Straffords, pretended to be spoken in the Tower, being fally and scandalously imputed to him, is protested against, and the Testimony of the Honourable Persons then present appealed unto thesein.

Lord Primate of Ire- Sir William Balfoure.
land. Sir Willam Wentworth.
Earle of Cleeveland. Sir George Went worth.
Earle of Newport. Doctor Carre.
Lord Rich. Doctor Price.

The paper containing the heads of the Earl of Straffords last Speech, written with his own hand, as it was left upon the Scaffold,

I Come to pay the last debt ve one to sin.

2 Rise to Righteousnesse.

3 Die willingly.

4 Forgive all.

Submit to Justice, but in my intentions inscense from subverting, Gr.



The true Speech as it was delivered.

My Lord Primate of Ireland.

T is my very great comfort that I have your Lordfhip by me this day, and I doe thanke God and
your Lordship for it, in regard I have bin knowned
to you this many yeares. I should bee very glad to
obtaine so much silence as to be heard a few words, but
I doubt I shall not, the noyse is so great.

My Lords, I come hither by the good will and pleafure of Almighty God, to pay that last debt I owe to six which is death; and by the blessing of that God to rise against through the merits of Jesus Christ to righteous messe and life eternall. [Here he was interrupted.

My Lords, I am come hither to submin to that judgment which hath passed against me; I do it with a very

quiet and contented minde, I do freely forgive all the World, a forgivenes that is not spoken from the teeth outwards (as they fay) but from the very heart. I can very well fay in the presence of Almighry God before whom I stand, That there is not a displeased thought arising in mee towards any creature. I thanke God I can fay, and truly too, and my conscience beares mee witnesse, that in all the employments, since I had the honour to serve his Majesty, I never had any thing in the purpose of my heart, but what tended to the joynt and individual prosperity of King and people. If it hath been my fortune to be misunderstood, surely I am not the first that hath been so; it is the common portion of us all, while wee are in this life, to erre, but righteous judgment we must wait for in another places for here we are very fubject to be muljudged one of another. There is one thing I desire to free my felfe of, and Jam very confident (speaking it now with so much cheerfulnesse) that it cannot be but that I shall obtaine your Christian charity in the belief of it: I did almaies thinks, the Parliaments of England were the happiest Sonfitutions that any Kingdome or Nation lived under, and next under God, the best means to make the King and his people happy, so far have I been from being against Parliaments.

For my death I beere acquit all the world, and befeesh the God of Heaven beartily to forgive them, though in the intentious and purposes of my heart I am innocent

of what I die for.

ud.

And my Lord Primate, it is a very great comfort unto me that his Majesty conceives me not meriting so severe and heavy a punishment, as is the uttermost execution of this sentence. J doe infinitely rejoyce in this mercy



mercy of His, and J beseech God to returne it upon him, that hee may find mercy when hee stands most in need of it.

I wish this Kingdome all the prosperity and happinesse in the world; I did it living, and now dying it is my wish; I doe most humbly recommend it to every man that heares mee, and desire that they will lay their hands upon their hearts, and consider seriously whether the beginning of the happinesse of the Reformation of a Kingdome should be written in letters of bloud. Consider this when you are in your owne homes, and let mee bee never so unhappy, as that the least drop of my bloud should rise up in ludgement against any one of you; I acquit you all; but I seare

you are in a wrong way.

My Lords, there professe, and with that I shall end, That I doe die a true and obedient Sonne to the Church of England, wherein J was born, and in which I was bred, Peace and Prosperity be ever in it. And whereas it is objected (if it bee an objection worth the answering) that J have beene inclined to Popery, J may truly say that from the time of 2 1 to this present going on now of 49 yeares, I never had in my heart to doubt of this Religion of the Church of England, nor ever any man the boldnesse to suggest any such thing, to the best of my remembrance to me: so being reconciled by the mercies of Christ Jesus my Saviour, into whose bosome I hope J shall shortly bee gathered to, those eternall happinesses that shall never have end.

I desire heartily the forgivenesse of every man for any rash and unadvised words, or for any thing done amisse; And so my Lords and Gentlemen sarewell,

farewell all the things of this World.

Idefire



I defire that you would be filent and joyne with me in Prayer, and J trust in God we shall all meete, and live eternally in Heaven, there to receive the accomplishment of all happinesse, where every teare shall be wiped away from our eyes, and every sad thought from our hearts, and so God blesse this Kingdome, and Jesus haue mercy upon my Soule.

To this, added a prayer not taken by any, to strengthen his Faith, confirme him in Patience and Charity, to preserve his Majesty and his Realmes in prosperity, and the Church in unitie, and to have mercy on his

Soule.

Rifing delivered these commands for his Children.

To his Sonne William Wentworth, commends himfelfe, gives him charge to serve his God, to submit to his King with all faith and allegeance in things Temporall; to the Church, in things Spirituall; gives in charge as he will answer it to him in Heaven, never to meddle with the Patrimony of the Church, for it will bee the Cancer that will eate up the rest of his estate: Again, charges it as he will answer him in Heaven.

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FINDING OF A

DECISION

OF

The chiefe Controversie now debated
Concerning

Church Government.





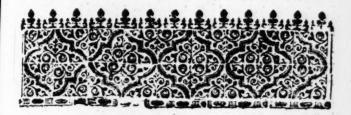
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TOVVARDS THE FIN-DING OF A DECISION OF

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concerning Church-government.



IRST, I presuppose I am to speak to men that make conscience of their waies, and consequently study to walke by a rule. I presuppose in the second place, that the rule by which they desire to walke, is chiefly the cleere

word of God, but where this cannot be had, that the principles and inditements of found reason they will not reject: and lastly, when reasonings may be doubtfull, that they will neither be singular and wilfull in their owne sense, but inclining to heare the judgement of others, nor unwilling to yeeld unto that, wherein all such as are esteemed to bee



most rationall doe agree: with such men I desire to speake, and would tell them that I finde in the controversie of this time, divers little Treaties put forth. many bitterly, and indifcreetly, some modefly, and wisely writen; some for, and some against Episcopacy, all of them standing for particular tenets, labour to uphold their owne forme of government as the best, and onely lawfull ordinance of God. None that I have met withall doe looke upon the matter without partiality to feeke concerning the points chiefly to be questioned, a Decision, which I thinke may be taken from undoubted grounds, and undeniable principles. Therefore I thought it might be of use to put something to paper also in this kinde, as it were to make a triall, whether or no the way to decide this great controversie might not be found out so as to give present satisfaction to the more simple and scrupulous; and to shew to the more learned and judicious ; whose doubts lie deeper) a method whereby to refolve themselves, if they will follow the same without prejudice, I shall endeavour to doe.

I take then the matter chiefly questionable, though not hitherto mainly, and expressly questioned to be this. Whether or no Christ hath not for "the uniting and building up of his Church, insti"ruted some overseers or Bishops (for I use these "names indifferently) to be before, and above o"thers in Church governments or whether for the "uniting and building up of his Church, he hath "made

"made all overfeers to bee equal and independent "one from another?

If the first be affirmed, then the question must be what that Priority, and Superiority is which Christ hath allowed of? and how it ought to be exercised above others? But if the last be maintained, then we must be taught, what that prime and unsubordinate Authority of every overseer is, in his peculiar charge? and how he should exercise it? Now to finde a way to decide these questions, I am as one who is doubtfull, that I may beare a part of the burthen of those who are in doubt. Therefore to bee able to resolve my selfe, it will be necessary to lay some grounds from whence inferences may be made appliable to the questions now in hand.

The grounds must be cleere doctrines of holy Scripture, concerning the matters which are fundamentall in the question. The inferences must be rules taken from those doctrines, whereby my understanding may be directed to go the straight way towards a decision of the question, and the application must be a consideration of the particular circumstances of things now debated, so far as they are determinable by the rules which may be found out.

Thus then to finde grounds of Decision I must take notice first, of things fundamentall to the question, which I suppose are these.



- 1. To what end Christ hath gathered together and compacted into one body severall believers which are called his Church?
 - 2. What it is properly to build up his Church?
- 3. What Officers were appointed by Christ to be the builders of his Church?
- 4. What their feverall charges and duties were in the Church, and how they were to administrate the same every one according to his gift and place?
- 5. How-these that were committed to their charge, were to behave themselves towards them?
- 6. How according to the intention of Christ and the rules proceeding from his spirit, the chiefe builders his immediate followers the Apostles did put all in execution: here then their practice in the way of government is to be taken notice of.

If these things can be found cleerly in Scripture, I hope they will afford me some light, to satisfie the doubts of my weake conscience, which now must be full of scruples for other mens sakes.

But when I shall have gathered all that from cleer Scripture can be gathered in these matters, if yet fomething should be found obscure, and doubtfull concerning particulars now agitated, whereof perhaps

haps no cleere precept is extant in Scripture from whence I may be able to gather fuch inferences as may fettle my conscience and put it out of doubt concerning fome questions in government, as whether this or that, in such or such a case ought either robe or not to be done. Then I thinke I should doe well to looke first, upon the Apostles practice in like cases, or if that be perhaps also either unknowne or not well knowne, as not recorded in the word, then I suppose it will not be amisse to consider the laudable practice of other times, and chiefly those who mest immediately followed the Apostolicall age, taking notice of that which they did in such like cases; that if perhaps in all Churches of all ages and places, I finde some undoubted tokens of univerfall confent, I may be willing to rest in it, and not affect fingularity; chiefly if I should also finde, that all the Churches of this present age, doe either consent fully thereunto, or at least doe not so farre diffent from the same, as to condemne others who follow not their different practice in such cases. In all which Churches I say, I ought to take notice inthose cases, which shall be thus doubtfull, of their formes of government fo farre as I shall finde the fame subordinate unto the maine end for which Christ gathered his Church, and not repugnant but consonant unto the rules and practice of the Apoftles which are cleerly recorded.

For I conceive that if it can be made apparent, that either the end for which Christ gathered a Church, or



or the meanes of building it up appointed by him, or the rules and constitutions of the Apostles delivered to the builders which were to be their followers; or their owne practice in governing the Church according to Gods will, is repugnant to all Priority, and Superiority, of one Pastor above another, then it must be granted, that no such government ought to be admitted. But if this not onely cannot be made apparent, but rather the contrary, namely that both the aime of Christ in compacting his Church into one body, and the means by which it is to be built up, and the rules given to the builders, and the practice of the chiefe Master builders, whom I take to have been infallible in the way of publicke government, doe shew forth that a Priority and superiority of one overseer above another, is allowed of: then me thinkes the first question will be decided, and must be answered yea: but then the fecond question will come into consideration, namely that Priority, and Superiority, is which being according to Christs aime, is answerable unto the meanes of mutuall edification, is fettled by expresse rules, was practised by the Apostles themfelves, and hath been continued by all their followers, from the most incorrupt primitive times, untill this present age : which if I can by cleer word of Scripture, and testimony of Authors worthy of credit, in all ages finde out, then I thinke I ought to ict my minde at reft, and cast off further doubtings.

If this rule of proceeding towards a decision of the

the matter, be thus without further restriction and exception admitted, then my next care must be to follow it closely, and take heed lest it be unsappled to things indifferent, either in nature or proportion, from those wherein Christ and his Apostles with their true followers in times most incorrupt were conversant.

Now then to make onely at this time a breefe tryall of this way (for hereafter if need be matters may be inlarged) I will fummarily observe that which is cleer Scripture concerning the forenamed heads.

First, I finde that the end wherefore Christ would have all his beleevers compacted and gathered into one body, is that the world should beleeve and know these two things: That the Father hath ient his Sonne to us, and that the Father loveth the beleevers as he loveth his Sonne. This is cleer in 10h. 17.21,22,23. Another end of this union is that the beleevers may bee able to build up themselves in grace. This is cleer in Epbef. 4.16. Another end is, that they may preserve themselves from the dangers of adversaries, and the causes of overthrow, Phil. 1. 27,28. Gal. 5.13,14,15. And a further end is the holding up of the credit of Gods Kingdome in the world, as well by life, as by doctrine, Phil. 2. 1,2,3. and sequent : but chiefly verse 14, 15, 16. From whence I suppose these affertions may fafely be gathered as rules of future Decision.



1. If the knowledge and faith of Christ, if the Fathers love to all beleevers be made manifest unto the word, if the building up of all beleevers amongst themselves, if their preservation from adversaries. and if the credit of Gods Kingdome both in life & doctrine, be upheld in the Church of God, more directly justly and fafely by a Priority and Superiority of overfeers one above another, then by an independency of spirituall persons and charges one from another, then it is to be conceived, that a Priority and Superiority of overfeers in Christs Church, is more answerable to his aime in compacting it into one body, then an independency. But it may bee conceived, that these ends may be attained more directly, justly and fafely by the one, then by the other. Therefore it may be conceived, that the one is more answerable to his aime then the other.

2. If there be any Priority and Superiority of spirituall charges, and persons, or any parity and independency of charges amongst persons which is not subordinate, but repugnant unto those ends; then it is to bee conceived that such both Priority and superiority, as also parity and independency is altogether unlawfull. But perhaps there is some both Priority, and Superiority, as also independency and parity, not subordinate but repugnant to these ends: therefore it is to be conceived, that perhaps some both parity and independency, as also Priority, and Superiority is unlawfull.

I take these affertions though doubtfully propo-

fed in respect of particulars, to be neverthelesse out of all doubt in their generality; and therefore I lay them as grounds of future directions towards a Decision of the point.

Secondly, concerning the building up of the Church, I finde in Scripture that to build up the Church of Christ is to use meanes to perfect the "Saints till they all come unto the unity of the faith, "and of the knowledge of the Son of God unto a "persect man, unto the measure of the stature of the "fulnesse of Christ, that they may not alwaies bee "carried to and fro as Insants with divers windes of doctrine; but dealing truly in love may grow up "in him, that is the head even Christ, from whom "the whole body sitly joyned together, and commodities that which every joynt supplieth, ac"cording to the effectuall working in the measure of every part, maketh encrease of the body to the "edifying of it self in love, Eph 4.12,13,14,15,16.

These are words of exceeding deepe and great sense, and yet me thinkes exceeding cleere if they be resolved into single propositions, which now I will not stand to doe, because I must be breefe. Therefore I will againe take up these rules.

periority of some spiritual overseers over others, be a more direct and proper meanes then a parity, and independency of the same is, to bring all the Saists B3 of



of God unto the unity of Faith, and Knowledge, and therein to a perfect manly stature, and the measure of the fulnesse of Christ; then I am bound to thinke that a priority and superiority is more answerable to Christs intention in building up his Church, then is a paritie and independencie, but the Antecedent is perhaps true; therefore the Confequent perhaps also.

- Ministers doth keepe the Saints of God alwayes in infancy, suffering them to bee carried to and fro with divers windes of Doctrine, and maketh an open way so the sleight and cunning craftinesse of men, whereby they lye in wait to deceive; then I am bound to thinke that an independent parity of Ministers is not answerable to Christs intention in building up his Church. But I finde that the independent parity of Ministers doth perhaps this. Ergo I must conclude that it is not perhaps answerable to Christs intention in building up his Church.
- 3. If the independent parity of Overleers may leeme to me repugnant to that fit joining and compacting of all believers into one body, whereby as members one of another they should supply by their common joynts each one towards another that which according to the effectuall working in the measure of every part, should make the increase of the body to build it selfe up in love; and if a priority

priority and superiority of Overseers may seeme not at all repugnant, but most consonant to this kinde of worke, then I may conceive that the independent parity is not at all, and that the superious priority is altogether answerable unto Christs intention in building up his Church; but the former may seem so to me, and therefore also the latter.

Thirdly, concerning the Officers, wee finde in Scripture these by name: 1. Apostles, 2. Prophets, 3. Evangelists, 4. Pastons and Teachers, Epbess, 4. 11. elsewhere wee finde other names of Gists and Offices; as workers of Miracles, Gists of Healing, Helpes, Governours, Diversities of tongues, Interpreters of tongues, 1 Cor. 12.28,29, 30. Item, Deacons, Exhorters, Rulers, Rom. 12.7,8. and Bishops, Presbyters, and Deacons, 1 Tim. 3. 1,8. and 5. 17,18,19.

From whence I make these inserences. 1. If these Officers appointed for the first building of Christs Church were by degrees set in a priority and superiority one above another; then I may conceive that a priority and superiority of spiritual Officers is not repugnant to the government of Christs Church. But these Officers were so set in relation of degrees one above another; therefore I may conceive that such a gradation of spiritual Officers is not repugnant to the government of Christs Church.



2. If there was no independent parity in the first Officers instituted in Christs Church, then I have reason to conceive that an independent paritie is not answerable to Christs intention, in instituting Officers in his Church. But there was no independent parity in these first Officers instituted in the Church: Therefore I have reason to conceive, that an independent parity is not answerable to Christs intention.

Here two things may be objected or excepted against this Rule of Decision. First, that the Apostles who were Christs first Officers were com! one to another, and independent one from and ther. But to this I answer, That I speake not of the Officers appointed before the conflitution of the Church, but of those that are named expresly to beare office in the Church already constituted. Secondly, if then it bee faid, that the inequality of these first Office bearers doth proceed from the difference of extraordinary and ordinary Officers, then requifit at the first constitution of the Church which is not now requifite after it is once constituted; then I answer, that here I neither intend nor have need to confider which Officers were extraordinary, and which ordinary, because I take notice of them onely at this time as they were Officors extant at first, to build up the Church ; and my inference goeth no further as yet ; nor muß I come to admir of that distinction in my thought, till the matter it felfe carry me to it.

Fourthly,

Fourthly, I finde the severall charges and duties of these Officers to be these.

1. Christ sending forth his Apostles appointeth them to be his witnesses unto the utmost parts of the earth, of that which he hath done for our falvation, Alls 1. 8. Also hee giveth them charge to teach all men to observe whatsoever hee had commanded them, and to baptife those that received their doctrine, Matth. 28.19.20. This they did, and fo gathered a Church together; wherein at first, the faithfull having all things common, brought their goods to the Apostles feet, making them distributers thereof unto such as had need. But the Apostles found this charge imposed upon them to be too troublesome, and not proper unto their spirituall calling; therefore they betooke themselves unto their owne peculiar charge which was to attend unto prayer, and the Ministery of the word; Acts 6. 4. and gave advice that Deacons, should be chosen, whose peculiar charge at their first institution, was to ferve the tables, Ibid. verse 2,3. yet it is evident that they also preached the word, and bore witnesse of Christ, 1b. verse 9.10.and Cap. 8. verse 5. and baptised the beleevers, 16. Chap. 8. vers. 12.38.

Besides these Deacons, we finde that the Church being constituted other Officers in it are named and said to bee different in charges. As the charge of Prophets was to prophesic according to the Analogie of saith, of De acons to attend their Deaconship, of Teachers to attend teaching, of Exhorters



Rulers to rule with diligence, Rom. 12.6.7.8. of fpeakers with tongues to fpeake, and of Interpreters to interpret, 1 Cor. 14.27.

Besides these duties thus generally mentioned; we finde more particular charges mentioned. As first, concerning the duties of Prophets, how they ought to prophesie, & of speakers with tongues, how they ought to speak unto edification in the Church, 1 Cor. 14.26,27,28,29,30,31,32,33.

Secondly, concerning Rulers, where we finde the charge given to Timothy, and Titue, either as Evangelists, or as ordinary Bishops, and Overseers of the Churches, next unto the Apostles; their charge was to fet in order things which the Apo-Ales left undone for the constituting of the Churches; amongst which the ordaining of Elders, and Deacons in every Church, was a chiefe duty belonging to them , 1 Tim. 1.3. Tit. 1.5. nem Torepresse and inhibit false doctrines, 1.Tim. 1.3.Tit.1. 10.11. item To settle a course of prayers in the Church, 1 Tim. 2.1. item To appoint due maintenance for widowes, and Elders, 1 Tim.5.9.17. 18. item To be Judges in matters of accufation against Elders, ibid. verse 19. and to give imposition of hands to those that were approved and fit for the Ministery, thid werse 22. item To maintaine their authority, & not to fuffer themselves to be despised therein, 1 Tim, 4.12. Tit. 2.15. And laftly, to commit. mit the things which they had heard of the Apostles, unto faithfull men, able to teach others who
should be successors in that place, 2 Tim. 2.2. As
for other Rulers in the Pastorall charge, their duty
is specified to be a watching over the soules of their
slock as those which must give an account, Heb. 13.
17. and in doing this, they are bound to call their
skeep by name, to lead them out and to goe before
them, Ioh. 10.3.4. isem To defend them against the
wolves, though they hazard their life in so doing,
ib.verse 11. isem To visit the sick, & pray for them,
Iam. 5. 14. isem To keepe the keyes of the Kingdome of Heaven to shut it, and open it as occasion
shall require, Matth. 16. 19, and 18. 17, 18. and
1 Cor. 5. 4.5.

And then the generall dury of all Officers is, that as every one hath received the gift, so he should minister the same to others as a good steward of the manifold graces of God, 1 Pet.4.10.

From all this I make these inferences.

1. If all these charges and duties are different, and yet should be administred jointly as by several members of one body, then it seems such a priority and superiority in some, and subordination in others, is to be observed as is in the members of a naturall body one in respect of another. But all these charges are different, and yet so to be administred as is mentioned, 1 Cor. 12.4,5, and till the end of the C 2 Chapter.



Chapter. Therefore it seems such a priority and superiority in some, and subordination in others, is to be observed.

2. If these charges in their natural property as they stand in relation one to another, be repagnant to an independent parity, then there is no independent parity allowed of amongst the Officers who are to discharge the same. But it may perhaps be made good that these charges are in their natural property as they stand in relation one to another, repugnant to an independent parity, therefore perhaps there is no independent parity allowed of amongst the Officers who are to discharge the same.

Fifthly, the duty of the flock is in a word to be obedient unto their Rulers, and to submit themselves unto them, Heb. 13.7.17. and to provide necessary maintenance for them, Gal. 6.6.8. 1 Cor. 9.7,8,9,10,11,13,14.

From hence I inferre, that if submission and oblidence is to be yeelded, and if Rulers be different in charge, then according to every ones degree and different place in his charge, the submission ought to be differenced: But the Antecedent is true, and therefore also the Consequent. Therefore I conceive, that more respect was due unto Apostles even; as they were ordinary Ministers, then to their ordinary Rulers; and more to the Bishops

Bishops and Overseers that were made Judges of other Elders, then to the Elders that were subject to be judged; and more reverence due to the Elders then to the Deacons.

Lastly, the practice of the Apostles as chiefe Masterbuilders was this: they laid the foundation which is Christ, 1 Cor. 3. 10, 11. they built by preaching upon the foundation gold, filver, and precious stones, they biptiled the beleevers, and gathered them together in one body, and ordained Elders and Officers over them to rule them, and doe the work of the Ministery. See Acts 13. and 14. Chapters, and particularly in Chap. 14. the veries 21,22,23. They give orders to their followers concerning all things needfull for edification in the Churches, as may be seene in 1 Cor. Chapters 5, and 6, and 7, and 3, and 9, and and 10, and 11, and 12, and 14, and 16. verse 1. and in the 2 Cor. Chap. 8, and 9. in the Epistles to Timothy and Titus throughout, and elfwhere, as in the Acts in Chap. 6. and 15. and 20.

From whence I infer, that if neither in the Apostles owne practice, nor in the practice of those
whom they set over the Churches in their owne
time there be any example of independent parity
intimated or used in the way of ordinary government, then such a parity may seem to be inconvenient to be admitted into the Church of God.

But perhaps no such example is to bee found in their practice or in the practice of those whom they appointed to bee ordinary Rulers of the Churches in their owne time. Therefore an independent parity may seem inconvenient to bee admitted.

Thus I have briefly run over the fundamentall matters of the first question in hand, not intending to determine any thing precisely, but to gather some rules of determination whereby the matter of priority and superiority in government may be tried more at large in due time.

Only thus much I must now intimate, that my doubt concerning priority and superiority of spirituals Officers in the Church is so farre resolved, that it seemeth not at all repugnant to me but rather more consonant and answerable to Christs intention in the first institution of his Church, then an independent parity. And this is the first position wherein I receive some satisfaction to my doubts.

If therefore any will contradict this polition to make me againe doubtfull of it, I thinke he is obliged to shew that an independent parity of Rulers is not onely no lesse, but as much, and rather much more answerable to Christs intention: and this be must shew from the same grounds which I have laid, except hee can shew these to be insuffi-

cient,

cient, and lay some others that are more satisfactory: which if he doth, then it will be also requisite, that he define cleerly what that prime and independent authority is, which every Ruler hith by himselfe in his particular charge.

As for me, because I take this position as granted, that Christ did institute in the first constitution of his Church a priority and superiority of spritual Officers; therefore I thinke I may safely gather, that for the building up and perpetual propagating of the same, his intention was not altered: which second position is any will deny, I suppose he will finde himselfe obliged to shew unto me sufficient and evident causes, why his intention should be altered: and therefore that frame of government which was either necessary or most convenient for the first constitution and building up of his Church, is inconsistent with the perpetual propagation thereof.

But seeing I conceive it not likely that this can be shewne, therefore I ought to proceed and come to the second question, to finde out what the priority and superiority is which Christ doth allow of in the spirituals Rulers of the Church, and to finde out this, it will be requisite to review against the grounds herestofore laid from whence the position hath beene gathered, that a priority and superiority of Rulers in spirituals government is answerable to Christs intention, which that we



my doe, let us begin at the last and goe upward towards the first.

The last of our grounds was the practice of the Apostles, which yeeldeth no example to us of any independent parity, but rather of a superior priority which in the way of their ordinary government they used over others. For I suppose no man doubteth of this, but the Apostles were in the ordinary course of their mystery above all other spirituals. Officers which ordinarily ruled the Churches. It then it be granted that in the ordinary course of their Ministery they were above others, the next thing to be sought after will be this, wherein their superiority did consist? and how far it was derived or not derived unto their successors?

And to finde out this, I conceive that in the Apostles discharge of their duty some thing was extraordinary, as being usefull and requisite onely for that time wherein they lived; and something ordinary and of perpetuall use which was to bee transmitted unto their successors.

The extraordinary discharge of their Apostolicall duty was first to lay the foundation, and then to raise and settle that frame of Christs Church upon the same which was most answerable to his Kingdome: And to doe this, God indued them with extraordinary gifts, of tongues, of knowledge, of wisdome, of prudence, and of infallibility in truth and publicke government, and confirmed their authority with his owne testimony bearing them witnesses as the Apostle saith, Heb. 2.4. both with signes and wonders and with divers miracles and gitts of the holy Ghost; which by the imposition of their hands he conferred upon the believers, as is evident by Allis 8.17. and 19.6.

This I conceive was their extraordinary authority and discharge of their duty which should not be transmitted to any after them, but should rest in their persons & be for after times recorded in Scripture, that thereby they should become perpetuals Apostles unto all ages; as being set on their thrones in Gods word to judge the twelve tribes of Israel, so that their Apostleship although in respect of their personals condition it was temporary, yet in respect of their charge and message from God to his Church it is perpetuals, and yet still extant in the Church.

The ordinary discharge of their ministerials duty, was to beare witnesse of Christ unto the world, to declare by preaching the counsell of God unto mankind, to attend the worke of prayer, and to governe the Church according to the rules by which they did at first constitute the same. For no doubt the Rules which they gave to others for the worke of the ordinary Ministery and Government, they themselves first observed,



ferve, fo that not onely by precepts but by ptadice they left their examples to bee followed as. rules, fee Phil. 3. 17. 2 Tim. 3. 10, 11. From whence I gather that what priority & fuperiority foever in the ordinary government of the conftituted Church of God they used over other Mini. sters to whom the particular spirituall charge of a Church did belong, that the same priority and fuperiority may upon the like occasions be used in the same ordinary government : item, I gather further, that they did transmit their priority and superiority unto those whom they appointed to be their successors in the ordinary charge: I say, they did transmit it either by expresse precepts, or by actualt practice proposed to be an example unto them to be followed in like cases, for thus 2 Tim. 3.10,11, the Apostle recomendeth his own practice to be observed. And lastly, from both, these inferences I gather a third conclusion, that if we will truly know what the priority and superiority of one spirituall governour is above another in the ordinary course of government, wee must take notice of all the passinges of Apostolicall practice in this cafe. And this will fuffice at this time for an entry towards the determination of that which we feek for.

The next ground going before this, was the precept of obedience and submission due by the members of the Charth unto their Rulers that witched over them: the precept is cleer, Heb. 11.

17. the rule inferred from thence was, that according

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ding to the difference of Rulers in the degrees of place, the submiffion and obedience was to be differenced. New if I would know what the different degrees of Rulers are, I thinke I ought to observe the property which the Apostle addeth unto the office of a Ruler as a characteristical note of his charge when he calleth him a watching Ruler over the flock. From which property I gather this inference towards a further determination of the point in hand; namely that what priority and superiority foever may bee found in the ordinary course of watching, practifed by the Apostles, and so consequently transmitted unto their followers, that same priority and superfority in watching may bee lawfully uled now a daies; and therefore if in the ordinary course of watching they did extend their care unto more particular congregations then one, then I thinke it may be fafely concluded that fuch an extent of care in a priority and superiority of watching, and confequently of ruling, may also bee used. And let this also suffice for a further entry at this time towards the determination of that which we feek for.

Againe, the ground precedent to this had foure branches, whereof the last concerned the peculiar duty of perpetuall Rulers, where we observed their charge to confist in watching over the soules of their flocks, by calling them, by leading them, defending them, visiting them, and keeping the keies of the heavenly sheepfold; to shur out the sheep, or let them in, as they should see occasion.

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From



From whence I gather this inference, that what priority and superiority soever, any ordinary Rulers had in the Apostles time above others in their watching over the flocke, by calling, leading, defending, visiting and keeping the keyes of the fold, that now also the same priority & superiority may be lawfully exercised: and if it can be made apparent, that any ordinary rulers had a priority and superiority of watching above others which extended it selfe unto more congregations then one, then I suppose it may safely bee concluded that such a superior priority of watching may bee lawfully exercised.

The other concerned the peculiar charge of Timethy and Titue as they were either Evangelists, or ordinary overseers, I take them either way and looke upon that which they had to doe, and say thus: If all the things which they had recommended to them be of perpetuall use in the Church of God, then what priority and superiority soever they had over others in their course of government for the administration of those charges, that same may now also be made use of, and is requisite to be in the Churches of all ages. But all things recommended to them as I conceive are of perpetuall use.

Therefore the priority and superiority which they had for the administration of the same may also be made of: for although it be said that Timothy and Titus were no ordinary oversees but Evangelists that is extraordinary, yet I cannot

conceive

conceive them (no more then I does he Apostles themselves) to be extraordinary governours of the Church, in these duties which are perpetually to be discharged in time to come; for what reason is there to thinke a man an extraordinary Officer for discharging an ordinary daty : as for the rest who are called Prophets, Teachers, Exhorters, Deacons, Distributers, Speakers of tongues, and Interpreters of tongues, all these though something there might be extraordinary in them, yet so farre as the substance of the office is in some kinde, or altogether remaining untill this day in the Church, so farre alforhat relation of priority, or posteriority of superiority or inferiority, wherein they flood one towards another, or all towards the chiefe ruling watchmen of the Churches ought to remaine.

But it may bee thought, that they stood under Times by and Titm, as under chiefe watchmen, that they should be ordered and regulated by them in their publicke actions, according to Apostolicall rules, therefore it may be thought also that all Officers having the same charge now a dayes, ought to stand in the same relation under the like chiefe watchmen.

And lastly, concerning the duties laid upon the Apostles and Deacons heretofore mentioned; if there bee nothing extraordinary therein for substance, but only in respect of certaine circumstances of that time, of their persons, and of the out-



ward manner of that fociety wherein they lived at Jerusalem; then it may be thought that the authority whereby they ordered all things for the good of the Church, is not abolished, but regularly transmitted unto their successors, that in like cases it may be made use of by the cheese watchmen over the Churches: From whence I gather, that what priority and superiority was deferred by the Churchin temporall things, first, unto the Apostles, and afterward by them resigned unto the Deacons, may in like cases be exercised in these times. And this may suffice also concerning this matter to give yet a further entry towards the determination of the point in hand.

Then the ground next precedent, was the diftinction of Officers first instituted in the Church from which I did infer, that if there was no independent parity, but a superior priority among it them, "that then a superior priority was not to bee thought repugnant to Christs intention in building up his Church: which being granted, I now proceed further to gather this, that if the superior parity was not ground upon the persons of the Officers, but upon the offices committed unto them, which in some respect were to be perpetuall in the Church; then I may inferre, that as the perpetuall offices are in priority and superiority one above another, so the Officers must bee distinguished by their degrees! and therefore to finde out the degrees of subordination in the Officers, we must rested upon the na-

ture

nother. And this also may suffice at this time towards a further determination of the point in hand.

And then the ground that went before this, was that which concerned the building up of the Church, from whence as heretofore it bath beene described, I inferre this, that such a priority and superiority of spirituals Officers one above another as is most sit.

r. To unite all Saints into one perfect man till they come to the fulnesse of the stature of Christ.

2. To free them from the divers windes of do-

arine, and deceit of feducers.

3. To make them able to supply spiritual gifts one to another, for their mutual edification: is that priority and superiority which Christ doth allow of. If therefore we can observe what kinde of priority and superiority is best able to work the effects; or if it bee found that they cannot bee brought to passe, exceptionerall congregations become as one body under one watching superiority, which may have an eye unto them all alike, then we shall bee able yet more fully to determine this point in hand.

And then the first ground of all was, that which described the ends wherefore Christ would have all believers united to one body. From whence I gather this, that the priority and superiority of officers in spiritual government, which is most fit to make the faith and knowledge of Christ apparent unito.



themselves, to preserve them from all adversaries, and to uphold the credit of Gods Kingdome, is most answerable to Christs intention; and therefore to know what that priority and superiority is; the properties which can reach these ends must bee found in it, which properties if they be not repugnant but rather consonant to that inspection which one overseer may have over others in many congregations; then it will follow, that such an inspection is not repugnant, but rather consonant to Christs intention.

And so I thinke I have sound matter enough whereby the nature of that priority and superiority which is to be defined may be knowne: if we will meditate now fully upon these heads, and discusse more distinctly the particulars contained under the same, which in due time may be done by Gods assistance.

Thus I have laid grounds and gathered rules to refolve my doubts, first, whether yea or no a superior priority be more answerable to Christs intention, then an independent parity in the government of his Church? Secondly, what that priority and superiority is? Now I must come to the consequent of this second question. viz. How this priority and superiority ought to be exercised towards others, and to determine this, wee may gather rules from three grounds which cleere Scripture doth yeeld unto us.

The

The first ground is to be taken from the nature of the dutie expressed in the peculiar name, wherein the singular properties of the charge is denoted.

The second is to be found in the special commandements given to the chief Watchmen, according to which they were to behave themselves in their charge of Superioritie above others.

The third is to be observed, in the examples and practice of those that commendably and lawfully exercised their authority over others, or in the discommendable practice of those that varied from the Rules.

To touch these things, but in a word at this time; I observe from the chiefe Names, viz. of Shepherd, of Ruler, of Watchman, and of Bishop or Over-feer, that the propertie of Superiority standeth chiefly in the Relation which he that is fet over others hath unto the members of the Church, who in comparison of him are like a flocke of sheepe; or like a Common-wealth, and company of men, fubject to certain Laws and Constitutions, by which they are to be directed in their joynt course and way of life, and lest they should fall into some danger by transgressing the same, the inspection to be had over them is comitted to his charg: So that if we take notice what the true effential property of a Shepheard is in his leading superiority, or of a watch-man set in the Tower of a Citie, or of an Overseer set to look to a family in a house, the same Priority & Superiority may be atributed unto the chiefe officers, which Christ hath appointed for his Church. From whence againe I inferre, that according as the flock



is small or great, the watchtower high or low in a big or little Citie, the companie lesse or more, so the superiority in the charge may be differenced,

and by degrees extended or contracted.

The name of Steward also is attributed unto the chiefe officer but not unto him alone, yet it imployeth a power of dispensing these things which the M. of the house hath appointed to be given unto his houshold. Therefore as the things to be dispensed are different, and either more or lesse universally to bee administred, so the difference of superiority may be observed in the Stewardship.

The name of a husbandman is somewhat of an other kind, for it imployeth a property rather of painfulnesse then of power and authority wherein wee conceive, that according to the entent and nature of the soile, so the husbandry must be; for as the soile may be larger or lesser, so the Charge in the husbandry thereof may be differenced.

In like manner, the name of Builder may be differenced according to the largenesse of the house,

and different duties in the building thereof.

Lastly, the name of Angell is given to the Chief Officer in a peculiar manner, as denoting a Superiority of message, wherein he is employed by God towards others, to declare his will and see it executed in his Kingdome. For hee is the Ambassadour of God unto his people, and hath the beams of his authority conferred upon him. Thus then I gather that all these names of Shepherd, Ruler, Watchman, Over-seer, Steward, Husbandman, Builder, and Angell denote cleerly a Superiority of Office

over

over and towards the persons unto which they are apapointed to discharge the same; nor doe their properties seeme repugnant to a gradation and differencing of that superiority which their name denoteth. 21/2. A peculiar manner of discharging the dutie committed unto the Office-bearers in Christs Church, for as each name hath a severall signification, so it carieth with it a peculiar relation which the Office bearer hath towards the Church, according to which hee ought to behave himself in the maner of discharging his dutie. And this will suffice to shew in generall the way, how this priority and superiorite ought to be exercised towards others.

The more particular determination of this matter must be taken from the special commandements which are given to this effect, which are many, and cannot now be insisted upon at large, therefore we will only point at them, in shewing the places of Scrip-

ture, where they maybe found,

The peculiar duties of a Shepheard, and the manner of performing the same, are set forth, John 10.1. till 16. and Ezek.34.2. till 20.

The Rulers dutie is mentioned, Rom. 12.8. and

Heb. 13.17. and Marb. 18.17,18,19.

The Watchmans dutie is mentioned, Ezek, 3.17,

18,19,20.21.

The Bishops dutie is largely mentioned in the Epistles to Timothy, and Titus, throughout, and chiefly in the places heretofore alleaged concerning their peculiar charges, and 1 Thes. 5.12,13,14

The Stewards dutie is mentioned, Matth. 12,52.

& 24.45. 1 Cor.4.1,2.

The



The Husbandmans and Builders duties are men-

tioned together, I Cor.3.6.

The Angels duties are mentioned, Revel. 2. and 2. Chapters throughout. In all which places I do perceive that the manner of discharging their duties is chiefly infifted upon, as it hath a relation unto the flock; fo that their Priority and Superiority is only in that respect, cleerly to be gathered, namely from the duty which towards the flocke is to bee done: Therefore perhaps very little will be found tending to resolve us of the doubt in hand, namely, how the Priority and Superiority in Charge which one Overfeer may have above another, is to be exercised. Yet then if there be nothing at all repugnant unto this Superiour Priority of one Over-feer above another in the discharge of the duties here mentioned; then I fay I ought to conceive that they may very well stand together: But if on the otherside any thing here mentioned in the manner of exercifing these Charges of Superiority, bee altogether inconfistent with an Independent Paritie of Over-seers, and yet if that which is to bee done must bee perpetually made use of in Church Government: then I say it may be strongly inferred, that as for this reason an independent parity is nor to bee admitted, so a superior priority ought to be allowed, yet always fo, as it may be a furtheranc to all the duties of a particular pastorall charge; and no wayes a crosse to the true manner of discharging the same. And here I will leave it unto the impartiall confideration of those that are juditious, whether or no the special commandements given unto Timothy and Tiriss for the discharging of that Priority and Superiority wherein they were set above other Officers, be not of perpetuall use both in respect of the thing to be done, and in respect of the manner of doing the same, as it is recommended unto them; where speciall notice may be taken of that inspection, which is deferred unto them, over others, for the repressing of salse Doctrines, for the ordaining of Elders in severall Churches, for the imposition of hands, for the receiving of accusations against Elders, and for the power of the Keyes: which things ought still both for matter and manner to be continued as they were recommended unto Timothy and Titus, except some substantiall difference can be shewed, which as yet I cannot see.

The examples of Practice both commendable and discommendable, in respect of the lawfull or unlawfull discharge of this duty, may be gathered from such places of Scripture, wherein the Acts of Priority and Superiority, and the manner of exercising the same are mentioned, I will name some

few that come now in my mind.

First, the practice of the Church, to which Christ doth send us in cases of scandall, Math. 18.17. whose authority is established there, ver. 18, 19, 20.

Secondly, the practice of the Apostles at Jerufalem, ABs 1. 15. till the end. And Chap. 6. in the ordination of Deacons. And ABs 15. in holding of the Synod, which determined the controversie risen at Antiochia. And ABs 14.23. in ordaining Elders.

Thirdly, the practice of Paul in the matter of ex-



communication, 1 Cor. 5. 3,4,5. and in the manner of exercising his power, 1 Cor. 9. throughout. And 2 Cor. 10. throughout. And ibid. Chap. 13. 2. 3. 10. Item, 1 Thess. 2. 3. till 12. Item, A&s 20.20.26,27,33, 34,35.

These are examples of commendable practice: the examples of practice which is discommended

are thefe:

First of Diotrephes , 3. John 9.10. who loved to

have a preeminencie.

Secondly, of those that in the last times should be disobedient unto the truth through presumptuousnesse, who despissing all Superiority should perish in the contradiction of Core, Judg. 21. by which wee perceive that Core, Dashan, and Abiram, were types of that disobedience which will be under the Gospell in some, who will take upon them to be equall, and in nothing inferiour to their lawfull Superiours.

Thirdly, the reproof of the Angels of the Churches for not exercifing the authority which they

had, Revel. 2.14, 15,20.

These examples being wel examined, I suppose, may give us some light to shew the manner how the Superiour Priority which some have over others in the Church ought to be put in practice.

Thus having laid the grounds, and gathered fome inferences, whereby to regulate my thoughts in this doubtfull matter. I thinke I may come to the application of the same unto the Controversie at this time debated, to see by what meanes a decision thereof may bee found. And here I must

con-

consider the circumstances and properties of that Authority which is now questioned, whether it be lawfull or no? But when I intend to doe this, I meet with a difficulty incident to all great disputes, which are commonly involved in a multiplicity of particulars and variety of circumstances; consusedly debated, and partially related by opposite parties, where every one seeketh his owne advantage; so that it is very hard to state the case truly, according to the circumstances, vehich are most materially therein to be considered, that the Rules may be applied unto the fundamentall materials.

ter of doubt, which ought to be decided.

Yet if I must be impartiall to cleare mine owne and other mens scruples, I ought to state the matter so, as both sides may agree to have the forenamed Rules applied thereunto; And to doe this, I conceive, it is best to proceed from that vehich is generall, till by degrees I come to that very particular, wherein the controversie and contradiction of parties is most apparant. To which effect, I restect first upon this generall affertion: Namely, that there be some Ecclesiastical Over-seers, which have a Priority and Superiority of government above others in the Church of England; to which, as it is, out of all doubt, that it is so in England, so in the generall notion my former Rules are not repugnant; but rather agreeable, that it may be so.

Then in the next place, I say, that this Priority and Superiority given to some in the Church of England, is in the purpose of the Law, by which it is publiquely authorized; no more, but a Supe-

riority

riority and Priority of watching over others for the good of the Society. And this, I suppose, as it is granted by both sides to be true; so I think that

it is not repugnant to my former Rules.

Thirdly, I comceive that this watching Priority and Superiority intended by the Law, is appointed to be for this particular good of the Society; namely, that the Flocks committed to every Over-feers Charge, should be called and led on in the way of Godlinesse, through the publick profession of Gods. true worship, so as it may become most lawfully conspicuous unto the world. And to this effect, the Over-feers are authorized to fee, that the flock be provided with fit Teachers, Pastors, and Deacons, by lawfull election and ordination through imposition of hands, that it should bee setled in a course of publick prayers and ordinances, befitting the administration of Christian Religion; that it should be preferred from false Doctrines & ravennous Wolves: That it should not want a spiritual Judicature, as well in matters of accusation against Elders, as in matters of scandall and offence betwixt member and member; and that in it the power of the keyes, to flut and open the Kingdom of heaven, as occasion should require might not be wanting; and that fuch maintenance as is due unto these that labour in the Word and Doctrine, and necessary for the poore, the vvidow, and the fatherlesse, may be provided for them. Those I take to be the true ends, for which the superiour Watchmen in the Church of England are appointed by the Church and State, to have inspection over other WatchWatchmen of an inferiour degree.

And that such Superiority in vvatching may be exercised, I take it as granted from my former

ground and Rules.

So then I finde no difficulty in the thing it felfe; nor doe I thinke that any doth oppose a Superiour Priority of Governours in this respect. But if any doe, then I conceive they are bound to shew, that in such things no Priority or Superiority in watching of some few over many, may lawfully be appointed in the Church of God; but that every particular Officer in all these things is independent, and may doe herein by himselfe, whatsoever hee shall think good, without all relation or subordination unto any, whom the Church doth appoint over such businesses.

Therefore from the thing appointed, and the end wherefore it is appointed in this Church; I come to the manner of appointing it: and here I enquire whether this Priority, and Superiority in government, hath not beene appointed by those who have authority to do it, that is, by the Church it selfe (here I meane by the Church, the body either representative or collective) according to the precepts of the Apostles, and the most laudable examples of primitive times? If yea, then I suppose no exception ought to be taken at it, but if no, then I think that the irregularity of the appointment, ought onely to be excepted against and corrected, and the Office it selfe neither condemned nor rejected but maintained.

Now what the Apostolical Precepts were, or



whether or no there were any at all ever given for the manner of appointing such Officers in the Churches, I doe not know because I finde nothing in Scripture more then I have intimated already; which is, that fuch Superiour Officers, are neither repugnant to Christs intention, nor to the Rules and formes of Government expresly delivered unto us in Scripture; but how they to be appointed (that is to fay) what manner of proceeding ought to be used for their Election, calling and institution in their Superiour Charge) I find nothing in Scripture that I can call to minde, except I will represent ancient types unto my felfe, from which I can perhaps gather no more but the shadowes of inferences. Therefore in this case, I suppose, I must betake my felfe unto my next generall ground of proceeding, which is the laudable practice of primitive times, to fee what hath beene done in like cafes by those, whom wee esteeme to have been most rationall in the ways of true government, and most likely to have seene and knowne the Apostolicall Practice if there was ever any in this kind, different from the ordinary way of appointing other Officers in the Church. But if it be more likely that the manner of appointing fuch Superiour Officers was rather not different in substance then different from the ordinary way of calling and installing other Officers; then perhaps it will not be amiffe to reflect upon the most immediate followers of the Apostles, so as to take notice of their practice both in respect of the thing it selfe, viz. that they had fuch Superiour Officers; and of the manner of appointing pointing them as it was most answerable unto the ordinary Institution. And this I will rather doe from other mens Observations, then from mine owne.

I find then that Doctour Reynolds in his Conference with Ham, Chapter 8. in the end of the third Division, and the beginning of the fifth doth well observe, when as Elders were ordained by the Apostles in several Churches, that in processe of time they did use to assemble themselves, to the end that things belonging to mutuall and common edification, might be done by mutuall & common counsell and consent. In these meetings they did things orderly, and followed the examples of their predecessours in like occasions, to chuse one who was to be of their company, and Moderatour of their actions.

So amongst the Apostles at Jerusalem, James, Peter, and John, are called the Pillars, Gal. 2.9. and in the meeting, Als 15. the matter was concluded at

the determination of Peter and James.

Thus also in after times although there might be many Elders and Pastors in one Church, as at E-phesus, Ass 20. 17. yet it may be gathered from Revel. 2. 1. that there was one Chiefe in that Church, whom Christ calleth the Angell thereof, and directeth that to him which the rest were to know by his meanes. Hee was afterward from the Priority and Superiority of his Office by the Fathers called a Bishop; For it is apparant, that in ancient times there was one who had the President-Ship amongst the Elders.

This

This Doctour Reynolds in the forenamed gather reth from Cyprian, Epift.6. & 13. Prebyteris & Dia. conis. From Eufebius Histor Ecclef.1.6.6.42, and from Cornelius letter to Cyprian Bpist. 46. april Cyprian. which Doctor Vher also hath made more cleere by fome observations taken from Ignation his Epistle to the Church of Ephesius, written but twelve yeeres after the writing of the Revelation of Saint John, and from Tertullian who flourished about a hundred yeares after Ignatius, and from Leonius of Magnesia, who at the Generall Councell of Chalcedon testifieth that from Timothy until that time, there had been at Ephefus a continued fuccession of seven and twenty Bishops, which Bishops (no doubt) were none else but the Presidents of the Ephesine Presbytery.

These witnesses being next to the first times, and worthy of credit seem to make the matter of primitive, and (for ought that I see can be excepted) of Apostolicall practice also, out of doubt. And if this Prioritie and Superioritie was such, and was in this manner, received and deferred to one above others; I conjecture, that it was by imitation of Apostolicall practice thus deferred and received, because I find nothing therein repugnant, but every thing rather, and every way consonant to Apostolicall Rules, so that unto this Bishop as President of the Presbytery all the power belonging to the or dinary Rulers did primely belong, which hee by consent of the rest did exercise, or the rest by

him did put to execution.

And

And this I conceive was the practice of the Apostles themselves in their course of ordinary government, as may be gathered, from Ads,5.15. & 1 Cor.5. This in my apprehension is also most answerable to the rules of perpetual government given unto Timothy and Titus. and this is every way consonant to the distincti. on of officers in the Church to the means of building up the Church & to the intention of Christ in uniting all believers into one body, and therefore may without scruple be believed to have beene the practice of the first primitive and incorrupt times, which being granted as I think it should, then I ought not ro make any more doubt of the matter; chiefely if from that time to this day; and now also at this time, in all the Christian and protestant Churches except onely those that are in seare of danger by reason of the abuse of this authority, or are under the crosse of a superstitious State-government) either the undoubted footesteps or the manifest use of such a Priority and Superiority hath beene in all ages and places and still is in some measure to be found which if I perceive to to bee, as truly I doe; then I judge that my minde should fully bee at rest, and trouble it selfe no more about this matter. Thus I have satisfied most of mine owne doubts so farre as I conceive them to bee common both to the simple and more learned. There be fome other Scruples more proper to those that dive deeper into matters, which I know not if it be fit to propose to jevery one least in stead of taking away ordinary, wee may ordinary, wee might raise extraordinary scruples; therefore till I be



be better resolved, what ought to bee done in this, and perceive how farre this way of deciding matters dorh give satisfaction unto divided Judgements. I thinke it will not be amisse to surcease. In the mean time fuch as are spirituall, ought to exhort all fides not to censure one another, with rigour, nor to doe things with passion and rashly, or to judge of perfons according to the outward appearance, but to judge righteous judgement which may bee done if they will study to seperate in these particular courses and different opinions of most men, the precious from the vile, and apply themselves rarher to heale then to exasperate sores, rather to build up then to rull downe. The Lord give us all understanding that keeping the foundation aswell in knowledge as in practice we may through Charity build thereon, not hay and flubble, but Gold, Silver and, precious Rones, yet when wee shall be carefull, first to keepe our felves without blame in the midst of this froward generation, wee may then also be able to hold forth unto al the word of life; & making a difference have compassion of some and save others with feare as pulling them out of this fire of endlesse strife and contention. Now the Lord enable us to doe this in the Spirit of lenity, with godly Zeale to his Glory, Amen.



